

MINUTES

Regular Meeting of the Aurora City Council

Monday, November 22, 2021

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

Mayor Coffman reconvened the regular meeting of City Council for November 22, 2021, at 6:30 p.m.

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

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

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**

Mayor Coffman stated legal advice was discussed in Executive Session.

6. **APPROVAL OF MINUTES**

6.a. September 13, 2021, Meeting Minutes

Motion by Bergan, second by Coombs, to approve the minutes of the September 13, 2021, City Council meeting, as presented.

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

6.b. October 11, 2021, Meeting Minutes

Motion by Coombs, second by Lawson, to approve the minutes of the October 11, 2021, City Council meeting, as presented.

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

6.c. October 25, 2021, Meeting Minutes

Motion by Berzins, second by Bergan, to approve the minutes of the October 25, 2021, City Council meeting, as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

7.a. Small Business Saturday

Mayor Coffman read the proclamation declaring November 27, 2021 as Small Business Saturday.

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**

Motion by Bergan, second by Berzins, to approve the agenda.

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

10. **CONSENT CALENDAR**

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

10.a. Consideration to AWARD A SINGLE SOURCE CONTRACT to Liberty Industrial Group, Inc., Arvada, Colorado in the amount of \$318,855.00 for the Binney Water Purification Facility Sodium Hydroxide Tank Rehabilitation (Phase 2) Project.

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

- 10.b. Consideration to APPROVE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$112,000 IN 2022 between the city of Aurora, and Aurora Sister Cities International

Ricardo Gambetta, Manager of the Office of International and Immigrant Affairs / Hanosky Hernandez, Assistant City Attorney

Outside Speaker: Karlyn Shorb, Executive Director, Aurora Sister Cities International

- 10.c. Consideration to AWARD AN OPENLY SOLICITED contract to Saunders Construction, Englewood, Colorado in the amount of \$6,138,838.00 for the Work Package 4 of the Southeast Aurora Maintenance (SEAM) Facility Project, Project No. R-5661

Waiver of reconsideration requested due to market conditions and material procurement lead times.

Andrea Long, Senior Engineer, Aurora Water / Brian Rulla, Assistant City Attorney

- 10.d. Consideration to Award a Single Source Contract to Innovest Portfolio Solutions LLC in the amount of \$64,500 for investment advisory consulting services associated with the City's 457 and 401(a) plans through December 31, 2022

Nancy Wishmeyer, Controller / Hanosky Hernandez, Assistant City Attorney

- 10.e. Consideration to AWARD A SINGLE SOURCE CONTRACT to AM Signal, LLC., Littleton, Colorado in the amount of \$134,376.96 for the purchase of twenty-four (24) TrafiSense 2 Thermal Sensors and Video Detectors and related components.

Staff requests a waiver or reconsideration as these detection cameras are needed urgently to maintain functionality of the City's traffic signals as maintenance stock is low and the lead time on these cameras is 6 months due to current industry wide supply chain issues.

Carlie Campuzano, Traffic Manager, Public Works / Ian Best, Assistant City Attorney

- 10.f. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Liberty Waste Management, Englewood, Colorado in the not-to-exceed amount of \$80,600.00 for portable toilet rental services required through November 30, 2022.

John Wesolowski, Manager of Parks and Forestry / Ian Best, Assistant City Attorney

- 10.g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Keesen Landscape Management, Inc., Englewood, Colorado in the not-to-exceed amount of \$210,000.00 for abatement services as required through March 31, 2022. (B-4543)

Sandra Youngman, Manager of Code Enforcement / Ian Best, Assistant City Attorney

10.h. Consideration to AWARD A SINGLE SOURCE CONTRACT to Accurate Legal Support Services, LLC, Littleton, Colorado in the not-to-exceed amount of \$88,600.00 for subpoena process services as required through December 31, 2022. (B-4630)

Julie Heckman, Deputy City Attorney / Ian Best, Assistant City Attorney

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

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

10.i. Consideration to AWARD A SOLE SOURCE CONTRACT to ZETX Inc., Chandler, AZ in the amount of \$239,986.58 to purchase two each Drive Test Scanner Suites for the Police RAVEN Task Force

Chief Vanessa Wilson, Police / Megan Platt, Asst. City Attorney

Acting Division Chief Mark Hildebrand, Aurora Police, provided a summary of the item.

Council Member Marcano asked staff to speak to the City's fiduciary responsibility in this regard. Acting Division Chief Hildebrand did so. Council Member Marcano stated his understanding the item made efforts more efficient but did not do anything the police could not already do.

Acting Division Chief Hildebrand concurred.

Council Member Coombs stated her understanding the item did not violate anyone's privacy rights and it did not secure anyone's data.

Acting Division Chief Hildebrand concurred.

Council Member Hiltz suggested a larger Data Governance policy should be created for the City going forward.

Motion by Marcano, second by Bergan, to approve item 10i.

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

10.j. Consideration to AWARD CHANGE ORDER #1 TO AN OPENLY SOLICITED CONTRACT to J. Brower Psychological Services, Denver, CO in the total amount of \$110,000.00 to provide psychological counseling services for the Aurora Police Dept. through 5/31/2022. (R-2081)

Chief Vanessa Wilson, Police / Ian Best, Asst. City Attorney

Motion by Bergan, second by Hiltz, to approve item 10j.

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

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

11. **RESOLUTIONS**

11.a. Parkside at City Centre BID 2022 Operating Plan and Budget

R2021-128 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE PARKSIDE AT CITY CENTRE BUSINESS IMPROVEMENT DISTRICT

Jennifer Orozco, Dev Project Mgr, PDS / Hans Hernandez Perez, Assistant City Attorney

Nancy Wishmeyer, Controller, provided a summary of items 11a – 11j.

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

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

11.b. Painted Prairie No. 1 BID 2022 Operating Plan and Budget

R2021-129 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER ONE

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City Attorney

Motion by Gardner, second by Coombs, to approve item 11b.

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

11.c. Painted Prairie No. 2 BID 2022 Operating Plan and Budget

R2021-130 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER TWO

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City Attorney

Motion by Bergan, second by Berzins, to approve item 11c.

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

11.d. Porteos BID 2022 Operating Plan and Budget

R2021-131 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE
PORTEOS BUSINESS IMPROVEMENT DISTRICT

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City
Attorney

Motion by Marcano, second by Lawson, to approve item 11d.

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

11.e. Tower BID 2022 Operating Plan and Budget

R2021-132 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE TOWER
BUSINESS IMPROVEMENT DISTRICT

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City
Attorney

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

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

11.f. Windler No. 1 BID 2022 Operating Plan and Budget

R2021-133 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE
WINDLER BUSINESS IMPROVEMENT DISTRICT NO.1

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City
Attorney

Motion by Bergan, second by Berzins, to approve item 11f.

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

11.g. Windler No. 2 BID 2022 Operating Plan and Budget (Resolution)

R2021-134 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,

COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE WINDLER BUSINESS IMPROVEMENT DISTRICT NO.2

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City Attorney

Motion by Gardner, second by Lawson, to approve item 11g.

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

11.h. 2022 Operating Plan and Budget for the Citadel on Colfax Business Improvement District

R2021-135 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE CITADEL ON COLFAX BUSINESS IMPROVEMENT DISTRICT

Carol Toth, Manager of Accounting, Finance / Hans Hernandez Perez, Assistant City Attorney

Council Member Murillo referenced p. 4 and noted there were two serving and three vacant positions on the board and asked staff if that was common. Ms. Wishmeyer answered no. Council Member Murillo asked if a vacancy like this has been seen before with this group. Ms. Wishmeyer answered affirmatively. Council Member Murillo asked when that occurred. Ms. Wishmeyer stated it was noted last year when the item was reviewed. Council Member Murillo expressed concerns that there were only two out of five board members making these decisions.

Motion by Bergan, second by Berzins, to approve item 11h.

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

11.i. 2022 Operating Plan and Budget for the Fitzsimons Business Improvement District

R2021-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE FITZSIMONS BUSINESS IMPROVEMENT DISTRICT

Chad Argentar, Senior Development Project Manager / Hans Hernandez, Assistant City Attorney

Motion by Berzins, second by Lawson, to approve item 11i.

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

11.j. Havana Business Improvement District - Operation Plan and Budget

R2021-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, APPROVING THE 2022 OPERATING PLAN AND BUDGET FOR THE
HAVANA BUSINESS IMPROVEMENT DISTRICT

Chad Argentar, Senior Development Project Manager / Hans Hernandez, Assistant
City Attorney

Outside Speaker: Chance Horiuchi, Executive Director, Havana BID

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

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

11.k. Property Negotiations - Solar Lease at NE Corner of 6th Ave and Tower Road

R2021-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, APPROVING THE LEASE OF CITY OWNED LAND CONTAINING
APPROXIMATELY 43.6 ACRES FOR A SOLAR GARDEN PROJECT AT THE NORTHEAST
CORNER OF 6TH AVENUE AND TOWER ROAD

Karen Hancock, Principal Planner / Michelle Gardner, Senior Assistant City Attorney

Karen Hancock, Principal Planner, provided a summary of the item.

Motion by Coombs, second by Gardner, to approve item 11k.

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

11.l. Rocky Ford Land Management IGA

R2021-139 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, APPROVING THE COOPERATIVE SERVICE AGREEMENT BETWEEN
THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY
ENTERPRISE, AND UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND
PLANT HEALTH INSPECTION SERVICE WILDLIFE SERVICES

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

Alexandra Davis, Deputy Director of Water Resources, provided a summary of the item.

Mayor Pro Tem Bergan asked Ms. Davis to speak to the agricultural benefits of the item.
Ms. Davis did so.

Council Member Marcano stated prairie dog removal was of great concern to some of his
constituents. He asked if the City has attempted to trap and relocate them. Ms. Davis

answered no and discussed the capture and relocating process. She stated the City was looking into a US Fish & Wildlife Black-footed Ferret Project where the prairie dogs would become food for an endangered species. Council Member Marcano stated the City had to act sooner than that to remain in compliance.

Ms. Davis concurred.

Council Member Murillo acknowledged Ms. Davis and staff's effort in this regard. She asked Ms. Davis to speak to the timeline for substantial compliance. Ms. Davis did so. Council Member Murillo asked if an affirmative vote would allow the City to participate in the US Fish & Wildlife program. Ms. Davis answered no and explained the program process.

Mayor Pro Tem Bergan asked Ms. Davis to speak to the time element for compliance. Ms. Davis did so. Mayor Pro Tem Bergan stated her understanding the issue needed to be addressed right away.

Ms. Davis concurred.

Council Member Coombs asked Ms. Davis to speak to whether the City could consider other options if they came into compliance in the first year rather than finishing out the three-year contract and if so, what the likelihood was for that to occur. Ms. Davis stated the City could not utilize non-lethal management methods due to the sheer number of prairie dogs. She stated the City would work to preserve one whole colony and relocate others. Council Member Coombs asked Ms. Davis why some of the prairie dogs could not be relocated to northwesterly areas. Ms. Davis discussed prairie dog habitability and vegetation in those areas.

Council Member Murillo stated she was uncertain about supporting lethal options. She asked Ms. Davis to speak to the timeline to perhaps implement non-lethal methods. Ms. Davis did so.

Mayor Pro Tem Bergan stated she understood her colleagues' concerns and asked them to take the timeline into consideration. She noted alternative methods could be pursued moving forward.

Motion by Bergan, second by Berzins, to end discussion and call for the vote on the item.

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

Voting Nay: Coombs, Marcano

Motion by Gardner, second by Bergan, to approve item 11I.

Voting Aye: Bergan, Berzins, Gardner, Gruber, Lawson

Voting Nay: Coombs, Hiltz, Marcano, Murillo

Council Member Coombs stated she might have gotten to an affirmative vote if she had been allowed to ask all her questions. She addressed Mayor Coffman and suggested he not move to the question without allowing people to ask all their questions.

11.m. Drainage and Flood Control Improvements for the Cherry Creek Restoration at Arapahoe Road

R2021-140 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA COLORADO ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, d/b/a MILE HIGH FLOOD DISTRICT, SOUTHEAST METRO STORMWATER AUTHORITY, AND THE CHERRY CREEK BASIN WATER QUALITY AUTHORITY REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR CHERRY CREEK RESTORATION AT ARAPAHOE ROAD

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

Sarah Young, Deputy Director, Aurora Water, provided a summary of the item.

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

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

11.n. Larson Farms & Feeding LLC, Farming and Grazing Lease with Water Use Agreement

R2021-141 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FARMING AND GRAZING LEASE WITH WATER USE AGREEMENT ON CITY-OWNED LAND IN WELD COUNTY BETWEEN CITY OF AURORA AND LARSON FARMS & FEEDING LLC

Hector Reynoso, Manager of Real Property Services / Dawn Jewell, Water Resources Supervisor / Michelle Gardner, Senior Assistant City Attorney

Hector Reynoso, Manager of Real Property Services, provided a summary of the item.

Motion by Marcano, second by Lawson, to approve item 11n.

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

11.o. Ford Farms LLC - Farm, Grazing and Property Lease with Water Use Agreement

R2021-142 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FARM, GRAZING AND PROPERTY LEASE WITH WATER USE AGREEMENT ON CITY-OWNED LAND IN WASHINGTON AND LOGAN COUNTIES BETWEEN CITY OF AURORA AND FORD FARMS LLC

Hector Reynoso, Manager of Real Property Services / Dawn Jewell, Water Resources Supervisor, Aurora Water / Michelle Gardner, Sr. Asst. City Attorney

Hector Reynoso, Manager of Real Property Services, provided a summary of the item.

Motion by Bergan, second by Marcano, to approve item 11o.

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

11.p. Consent Decree Agreement

R2021-143 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL FOR ENTERING INTO THE STIPULATED CONSENT DECREE AGREEMENT WITH THE STATE OF COLORADO ATTORNEY GENERAL PURSUANT TO C.R.S. § 24-31-113

Staff is requesting a waiver of reconsideration to accommodate the prompt filing of the Agreement with the Court.

Jim Twombly, City Manager / Peter Schulte, Public Safety Client Group Manager

Jason Batchelor, Deputy City Manager, and Peter Schulte, Public Safety Client Group Manager, gave presentations on the item.

Mayor Pro Tem Bergan referenced the resolution and asked staff to speak to Council's role in the consent decree. Mr. Schulte did so, noting this was the point where Council approved these steps.

Council Member Marcano asked staff to speak to what part labor organizations played in crafting the decree. Mr. Schulte did so.

Council Member Hiltz expressed appreciation to staff for their efforts in this regard. She stated the City had a lot of work to do and has for a long time in terms of policing. She stated it was unfortunate that it took this process to get it done, noting there were those in the City who did not want to have these discussions.

Council Member Lawson echoed Council Member Hiltz's thanks of staff. She referenced 317, Civil Service Commission, and noted it was rather broad. She asked Mr. Schulte to speak to how Council would be a part of the implementation process. Mr. Schulte did so.

Council Member Hiltz gave a shout-out to former Council Member Johnston for her efforts in having the Chiefs provide input into the item. She discussed her experience in 2020 working on the Public Safety Committee where their efforts were dismissed, and they were called anti-police when now two separate independent investigations confirmed their concerns.

Council Member Berzins stated she heard the unions were not very involved which concerned her as that was their job. She asked staff if the unions had a seat at the negotiations table. Mr. Bachelor answered no, noting everything that was being negotiated was a management right as it had to do with department operations. He stated the item was reviewed with the unions to answer their questions once it was made public.

Mr. Schulte stated the unions would be an integral part once the policies were instilled.

Council Member Berzins expressed concerns related to the waiver of reconsideration because the role of Attorney General was a political position. She asked staff to speak to how a change in that position would impact the item. Mr. Batchelor stated the waiver of reconsideration was simply a Council procedural rule. Council Member Berzins asked if the consent decree could be changed at some point. Mr. Schulte answered no, noting it became an order of the court once it was approved and signed by the Court.

Troy Eid, outside counsel, explained the consent decree process.

Council Member Berzins stated her understanding Council was giving power to a judge.

Mr. Eid disagreed, noting progress and timeframes were very clear in the framework.

Council Member Berzins expressed concerns that crime would continue to increase as it did after 217 passed and wondered if this would help public safety at all. She stated Council cared about the consent decree only because they were intrinsically involved but noted the average person did not care about it as they just wanted to be safe.

Mr. Schulte discussed how the item was different from a Department of Justice consent decree.

Council Member Berzins stated she wanted to see the specifics in it before it passed. She expressed appreciation to staff for their efforts in this regard and restated her concerns that crime was on the rise.

Mr. Batchelor discussed the role of the independent monitor as called out in the decree.

Mayor Pro Tem Bergan expressed appreciation to staff for their efforts in this regard. She noted some of the trainings and reform were currently in place which expedited the process. She noted additionally the metrics were in place to ensure the City remained in compliance.

Mr. Schulte concurred.

Mayor Pro Tem Bergan stated more information provided more transparency to the public.

Mr. Schulte concurred.

Council Member Coombs expressed appreciation to staff for their attendance and for providing information. She referenced hiring and recruitment and noted backgrounding was not specifically addressed. She discussed the current situation where a disproportionate number of persons of color were being disqualified and lateral hires had significant backgrounding issues. She asked staff to speak to how those issues would be addressed. Mr. Batchelor did so, noting that process was not specified but having a qualified and diverse work force was a part of the requirement and it would be reached through input from an outside expert.

Mr. Schulte concurred, noting the background checks would go through the Human Resources and Police and Fire Departments.

Council Member Coombs referenced the waiver of reconsideration and asked staff to speak to what would happen should there not be a waiver of reconsideration and the item was called up, and Council chose not to support it. Mr. Schulte stated the Attorney General's Office would file a lawsuit and the City would litigate it.

Mr. Eid stated the Attorney General had a complaint and he would go to court and sue the City therefore either the City stated they disagreed with it and stipulated to a judgement, or they rolled the dice and went to court. He discussed the problem with going to court in this regard.

Mr. Schulte stated things could change until the agreement was signed and that was why staff was stressing the waiver.

Council Member Coombs referenced bias-based policing goals and measurements and asked if those offenses and related offenses were required to be included and what the related offenses were and why were they chosen. Mr. Schulte stated all three offenses would be included and he discussed how they related to misdemeanors.

Mr. Batchelor discussed the importance of ensuring Use of Force was proportional to the offense.

Motion by Hiltz, second by Coombs, to approve item 11p.

Council Member Hiltz stated her appreciation for the conversation and noted the importance of recognizing not all people in Aurora were safe and that was due in large part to racially biased policing. She stated Chief Wilson and many City police officers have worked hard,

were committed to moving forward in a better direction and were being mindful of those policing policies but there was also police union leadership who were undermining that every step of the way. She stated she supported the item because the City had a problem they have not been able to address because of representation that was fighting against it which caused more harm. She stated she was not an expert on youth violence but noted the importance of listening to the community. She stated Aurora's problems began long before Chief Wilson and she applauded the Chief's efforts in making the necessary changes in this regard. She stated it was evidenced by the actions of the police union leadership that Aurora needed a court order to force them to do better because it was very clear it was not happening organically. She addressed those officers who were attempting to do better to treat people as they should be treated, and she applauded their efforts. She stated this would be her final vote on a resolution of Council and it was very fitting considering the work that has been done over the last several years.

Council Member Marcano concurred and expressed appreciation to Council Member Hiltz for her comments. He added this was a framework for a conversation to come as there was nothing prescriptive in the decree and he expressed his hope the community would be largely involved in that discussion. He addressed Council and discussed the importance of digging into the root causes such as wages, healthcare, childcare, housing, food access and recreational opportunities that led to people getting involved with law enforcement to begin with. He noted these issues were within Council's policy-making wheelhouse and pointed out leaving them unaddressed would result in another big incident in the future. He stated his support for the item and expressed appreciation to staff for their efforts in this regard.

Council Member Murillo expressed appreciation to all those who worked hard to bring the item forward. She stated it was an understatement to state Aurora experienced a nationally organized movement that they never should have. She stated as a result, they had to react with the utmost care in terms of how to move forward. She stated she found peace in the process that the direction provided did not rely on opinion but rather on independent objective third-party recommendations. She stated the City has not resolved these issues on their own and the consent decree provided a framework of how the City could do better. She stated the consent decree allowed the City to be proactive in a reactive situation, to take control of what could be changed and to be cooperative with the opinions around policing in Aurora. She supported the item and looked forward to working with the community and staff to move Aurora forward because they owed it the community to do so.

Council Member Hiltz also expressed appreciation to Fire Chief Fernando Gray, Aurora Fire, for his efforts in this regard.

Council Member Coombs expressed appreciation to Council Members Hiltz, Murillo and Marcano for their comments and to staff for their hard work, thoughtfulness and swiftness in this regard. She stated her support for the item.

Mayor Coffman stated Aurora made tremendous progress prior to the consent decree and would continue to do so irrespective of it.

Dan Brotzman, City Attorney, asked if the waiver of reconsideration was included in the motion.

Mayor Coffman asked Council Member Coombs if it was included in her motion. Council Member Coombs answered affirmatively.

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

Voting Nay: Berzins

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

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

12.a. 2021 International Building Code Adoption

2021-65 FOR AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, REGARDING BUILDING AND BUILDING REGULATIONS, AND THE ADOPTION BY REFERENCE OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE

Jose Rodriguez, Building Plan Review Manager / Michelle Gardner, Sr. Assistant Attorney

Mayor Coffman opened the public hearing on the item and hearing none, closed the public hearing.

Jose Rodriguez, Building Plan Review Manager, provided a summary of the item.

Mayor Pro Tem Bergan pointed out the item was presented to the Joint Task Force who also supported the item.

Mr. Rodriguez concurred.

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

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

12.b. 2021 International Fire Code Adoption

2021-66 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 66 OF THE CITY CODE ENTITLED "FIRE PREVENTION AND PROTECTION" RELATED TO THE ADOPTION OF THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS THERETO

Deputy Chief Caine G. Hills / Angela Garcia, Senior Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

Commander Steven Wright, Aurora Fire Rescue, provided a summary of the item.

Mayor Coffman closed the public hearing on the item.

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

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

12.c. Battery Powered Electric Fence Ordinance

2021-67 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING SECTIONS 22-642, 66-37, AND 146-4.7.9.U, TO THE CITY CODE, AND AMENDING TABLE 3.2-1, SECTIONS 146-4.7.9.E.1, 146-4.7.9.M, AND 146-6.2 OF THE CITY CODE PERTAINING TO BATTERY- OPERATED ALARMED ELECTRIC FENCES

Jason Batchelor, Deputy City Manager / Tim Joyce, Assistant City Attorney

Sponsor: Council Member Gardner

Mayor Coffman opened the public hearing on the item.

Brandon Cammarata, Manager, Planning, provided a summary of the item.

Council Member Marcano asked if there was any potential liability of a business owner if someone was injured by the battery powered fence.

Tim Joyce, Assistant City Attorney, stated someone could always bring a lawsuit as it depended on the circumstances. He noted there was no liability on the part of the City.

Motion by Gardner, second by Berzins, to approve item 12c.

Mayor Coffman closed the public hearing on the item.

Council Member Gardner recognized staff for their efforts in this regard.

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

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

14. **INTRODUCTION OF ORDINANCES**

14.a. 2021 Fall Supplemental

2021-68 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROPRIATING SUMS OF MONEY IN ADDITION TO THOSE APPROPRIATED IN ORDINANCE NOS. 2020-53, AND 2021-17 FOR THE 2021 FISCAL YEAR

Mike Franks, Budget and Finance Manager / Hanosky Hernandez, Assistant City Attorney

Greg Hayes, Budget Officer, provided a summary of the item.

Motion by Marcano, second by Bergan, to introduce item 14a.

Council Member Hiltz expressed appreciation to Mr. Hayes and staff for their efforts in this regard.

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

Mayor Coffman asked Council if there was objection to combining items 15a – 15e in one vote and hearing none, proceeded to do so.

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.

15.a. Municipal Court Surcharges (Correction of Ordinance)

2021-60 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 50-37 OF THE CITY CODE OF THE CITY OF

AURORA, COLORADO, RELATING TO MUNICIPAL COURT SURCHARGES,
PROVIDING FUNDING FOR COMMUNITY SERVICE AGENCIES AND PROGRAMS, AND
OTHER RELATED MATTERS

Jason Batchelor, Deputy City Manager / Hanosky Hernandez, Assistant City Attorney

15.b. Repeal of Stable License (Ordinance)

2021-61 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, REPEALING THE REQUIREMENT FOR STABLE LICENSES

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

15.c. Alcohol Beverage Festival Permit (Ordinance)

2021-62 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, ADDING A NEW SECTION TO THE CITY CODE PERTAINING TO ALCOHOL
BEVERAGE FESTIVAL PERMIT

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

15.d. Short Term Rental Regulations

2021-63 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, AMENDING CHAPTER 26 RELATING TO THE SALES OF LODGING IN
PRIVATE RESIDENCES

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

15.e. Tax Administration Clarifications

2021-64 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, AMENDING ARTICLE II OF SECTION 130 OF THE CITY CODE RELATING
TO CLARIFICATIONS ON SALES AND USE TAX

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

Motion by Bergan, second by Berzins, to approve items 15a - 15e.

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

16. **PLANNING MATTERS**

- ◆ *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.*

None

17. **ANNEXATIONS**

None

18. **RECONSIDERATIONS AND CALL UPS**

None

19. **GENERAL BUSINESS**

19.a. Consideration to appoint one (1) member to the Civil Service Commission

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

Motion by Marcano, second by Hiltz, to appoint Desmond McNeil to the Civil Service Commission.

Council Member Marcano stated Mr. McNeil had a great understanding of how the commission operated and he had thoughtful responses to Council's questions.

Mayor Pro Tem Bergan expressed appreciation to all three candidates as they all had good comments but noted her support for Mr. McNeil as he had experience and straight-forward answers to Council's questions.

Council Member Coombs concurred. She stated Mr. McNeil was very prepared and thoughtful in his interview.

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

19.b. Consideration to reappoint two (2) members to the Board of Adjustments and Appeals

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

Motion by Bergan, second by Gardner, to reappoint Kari Gallo and Andris Berzins, to the Board of Adjustments and Appeals.

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

19.c. Consideration to appoint one (1) member to the General Employees Retirement Board

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

Motion by Coombs, second by Marcano, to appoint Michelle Reding to the General Employees Retirement Board.

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

19.d. 2021 and 2022 Council Meeting Calendars

James Twombly, City Manager

James Twombly, City Manager, provided a summary of the item.

Motion by Bergan, second by Gardner, to cancel the December 27, 2021 study session meeting.

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

20. **REPORTS**

20.a. Report by the Mayor

Mayor Coffman noted everyone has been consumed by the recent tragedies in Aurora and he confirmed Council and City staff would continue to work to find a way forward once all the facts become known. He pointed out City Council has done a lot in terms of youth violence prevention, and he assured everyone they would continue to do so.

20.b. Reports by the Council

Mayor Pro Tem Bergan discussed her attendance at the recent Day Resource Center Thanksgiving Lunch and expressed appreciation to Greg Baker, Public Relations Manager, Aurora Water, and Tim York, Water Preservation Specialist, Aurora Water, for their presentation at the recent Ward VI Town Hall meeting. She stated she was saddened and troubled by the recent shootings at Central and Hinkley High Schools and how it made students fearful to go to school when schools should be safe. She echoed Chief Wilson's comments regarding the importance of parents, friends and the community helping each other in checking in with local youth. She stated School Resource Officers (SROs) in schools were important, but felt it was up to parents and the community to come together to help

solve the issue. She noted her hope the City's Youth Violence Program would move forward to help youth in preventing crime.

Council Member Lawson echoed Mayor Pro Tem Bergan's comments and sent her thoughts and prayers out to those youth involved. She expressed appreciation to community leaders and Council for coming together and discussed the importance of listening to kids. She expressed her hope the City could move forward with the Youth Violence Prevention Program to provide adequate services and support initiatives in this regard. She discussed her participation in the Day Resource Center Thanksgiving Luncheon. She provided FSIR and NLC Conference updates.

Council Member Hiltz discussed her attendance at the recent Light of Dawn reopening and the State of Emergency on Youth Violence meetings. She expressed appreciation to Council Member Lawson for her efforts in that regard. She discussed the importance of listening to kids as they were the most impacted. She expressed her hope Council would support Council Member Lawson in her efforts moving forward.

Council Member Gardner discussed his and Council Member Hiltz's efforts in helping the non-profit Wholly Kicks restore what was lost when their storage unit was broken into. He recognized Amazon for their efforts in that regard. He discussed his attendance at the recent Southlands Christmas parade and expressed appreciation to Local #1290 for allowing him to ride along with Santa. He recognized these were challenging times and noted it weighed heavily on him. He pointed out government could not solve these problems. He stated they could contribute through more mental health funding and youth programming. He discussed the impact the last 18 months have had on youth's mental health and the need for everyone including parents and faith leaders to help by listening to and loving others.

Council Member Murillo announced the next Ward I Town hall was scheduled for Thursday, January 20, 2022, and she encouraged all those interested in attending to do so. She discussed staff's efforts in working to provide a hybrid model for the meetings. She echoed Council's comments related to youth and gun violence. She agreed it was everyone's responsibility to address and listen to youth in the City. She noted as the youngest council member ever elected, she empathized with people not hearing someone because of their youth. She discussed her attendance at recent Town Halls where youth were front and center speaking about their issues and the need for safe, physical spaces and things to do. She noted the importance of being responsive to and honoring of the City's youth. She stated they discussed mental health, conflict resolution, and feeling the need to be armed for self-protection. She stated a holistic approach was needed and she looked forward to continuing those conversations. She stated not one policy would fix it because it was an ever-evolving process, but she resolved to work collaboratively with youth and other leaders to solve these complex issues in the City.

Council Member Berzins concurred. She stated it came down to parents and caretakers to help youth because they could not grow up alone. She stated they needed someone to talk

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to such as church youth groups and pastors to work out their problems. She stated there were many leaders in the community who were willing to help with the youth and Council needed to use those leaders and point the City's youth in the right direction. She discussed the negative impact social media had on youth and noted there was a lot of hate going on. She echoed Council Member Gardner's comment that everyone needed to focus more on loving each other and taking care of each other. She stated it was a long process, but youth were at stake, and they were the future. She asked parents and neighbors to step up and reach out to help a young person as they gave out signs when they were troubled. She discussed her attendance at the recent annual Visit Aurora meeting and encouraged everyone to visit the Cirque Dreams Holiday Christmas event at the Gaylord Rockies.

Council Member Marcano discussed the success of the recent Aurora Sister Cities Fall Fundraiser and expressed appreciation to Mayor Coffman, Debi Hunter-Holen and Bill Holen for their efforts in that regard. He acknowledged and echoed his colleagues' comments on the recent tragedies in Aurora. He discussed a pastor's comment where he begged youth to talk about what was going on and noted adults have failed to take meaningful steps to address the root causes of youth violence. He referenced the Educational Fund to Stop Gun Violence and listed their primary reasons behind gun violence. He noted the importance of providing more youth resources, having difficult conversations, and providing mental health services as the world was much more complicated for this generation. He believed it would take everyone pulling together to address the problem because they were failing future leaders today.

Council Member Coombs expressed appreciation to her colleagues for their comments related to youth violence and the recent violent incidents. She stated the tone of the youth was fear and they and their parents stated they needed the City to use their power to act. She stated parents were working hard to support their families and while they were responsible, they also needed support through programming and adequate childcare. She noted other issues that arose from the youth was they did not feel accepted for who they were from those places they were supposed to feel safe, seek resources and be heard. She stated it was important to listen to them about their needs but also about their experience because they were not feeling supported or listened to by the adults they were turning to. She stated it was everyone's responsibility to convey acceptance, care and love and a part of loving people was for them to know they were loved for who they were. She stated it was also important to take their issues seriously because not all their experiences were the same. She stated it was not only social media that made those experiences not the same. She expressed appreciation to the youth and their parents for their courage in being very real with their leaders in this regard. She discussed her participation at the recent Young Invincibles program event. She provided Visit Aurora, DRCOG, Mile High Behavioral Healthcare, Mayoral Mission to El Salvador and State of Recycling and Compost Colorado updates.

Mayor Coffman called for a brief recess of Council to determine if Council Member Gruber could be made available to provide a report. He returned from the recess and announced Council Member Gruber was unable to speak due to technical issues.

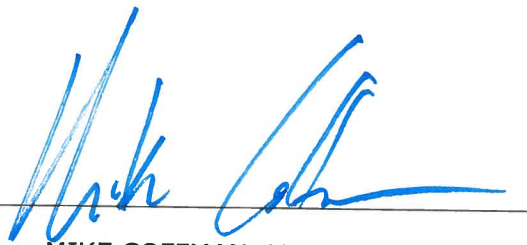
- ◆ ***The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.***

21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

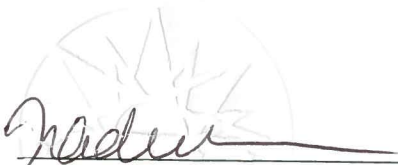
22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 9:46 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



KADEE RODRIGUEZ, CITY CLERK