

MINUTES

Regular Meeting of the Aurora City Council

Monday, October 24, 2022

1. **RECONVENE REGULAR MEETING OF OCTOBER 24, 2022, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of the City Council for October 24, 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 led in prayer and followed with reading the Land Acknowledgement.

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated that during the executive session, council discussed the search of the APD Chief and personnel evaluations for two executive positions.

6. **APPROVAL OF MINUTES**

6.a. **October 10, 2022, Meeting Minutes**

Motion by Bergan, second by Murillo, to approve the minutes of October 10, 2022 as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

7.a. **Veterans Day Minute of Silence**

◆ *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.*

Mayor Coffman proclaimed November 11, 2022 as Veterans Day – Minute of Silence.

7.b. **Commitment to Combatting Antisemitism**

Mayor Coffman proclaimed October 27, 2022 as a day to reaffirm Aurora’s Commitment to Combatting Antisemitism.

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda-related issues only)

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

Mayor Coffman explained that he will hold a public meeting regarding issues on Havana together with Council members Medina and Marcano. He asked for the contact information of the individual that spoke about issues experienced on Havana.

CM Marcano requested the information of the individual that spoke on the increasing rent prices. CM Coombs requested the information of the resident in her ward that spoke on the increasing rent prices and the Multifamily Systemic Inspection Program.

CM Marcano requested the information of the Ward IV resident that expressed concerns about excessive speeding on roadways in the city and residential neighborhoods.

CM Sundberg asked for a status update on the speed radar vans. J. Batchelor said that they have been in contact with the pilot vendor and are working through the process to roll them out in 2023.

9. **ADOPTION OF THE AGENDA**

Motion by Marcano, second by Jurinsky to adopt the agenda as presented.

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

10. **CONSENT CALENDAR**

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

10.a. **Consideration to AMEND THE SINGLE SOURCE CONTRACT with HDR Engineering, Denver, CO in the amount of \$191,656.00 for I-70/Picadilly Interchange Design-Build Procurement and Program Management Consulting Services**

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

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- 10.b. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Brannan Sand and Gravel Company, Denver, CO in the amount of \$309,859.00 for the 2022 Speed Cushion Installation Services; Project 5901A.**

Waiver of reconsideration is requested due to the urgency to start construction to avoid winter weather delays and asphalt plants shutdown for the season.

Carl Harline, Public Works / Dave Lathers, Senior Assistant City Attorney

- 10.c. **Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Alfred Benesch, Denver, Colorado in the amount of \$6,688,593.51 for CMCI and Material Testing for the I70 Picadilly Design Build Project; R-2262.**

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

- 10.d. **Grey and Black Market Marijuana Enforcement Grant Program**

Timothy Sherbondy, Grants Analyst / Megan Platt, Assistant City Attorney

Motion by Bergan, second by Sundberg to approve the consent calendar items 10a through 10d.

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

11. **RESOLUTIONS**

11.a. **2023 Employee Pay Table and Classification**

R2022-191 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE 2023 EMPLOYEE PAY TABLE AND CLASSIFICATIONS

Ryan Lantz, Director of Human Resources / Kim Skaggs, Assistant City Attorney

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

CM Sundberg asked who gathers the data for the table of standard or average pay. He asked if it is a subscribed service or if it is done by staff. R. Lantz said that there is a Compensation Division within Human Resources that does the research. They use a variety of different sources to gather data in collaboration with department directors.

CM Coombs asked if there are efforts being done to look at pay rates for lower-wage employees. R. Lantz said they are addressing the issues through recent pay increases applied to all employees that raised their pay above \$15 per hour. The compensation team is also finalizing a new pay table that looks at market data specific to seasonal and part-time positions.

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

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

11.b. Business Safety and Security Upgrade Grant Program

R2022-192 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR ADDITIONAL FUNDING FOR THE BUSINESS SAFETY AND SECURITY UPGRADE GRANT PROGRAM USING ARPA FUNDS

Sponsor: Curtis Gardner, Council Member

Kendall Koca, Manager of Special Projects / Tim Joyce, Assistant City Attorney

Kendall Koca, Manager of Special Projects, provided a summary of the item.

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

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

11.c. 4th Amendment to 22nd Outfall to Westerly Creek Improvement Plan

R2022-193 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA COLORADO ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, d/b/a MILE HIGH FLOOD DISTRICT REGARDING FINAL DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR 22nd AVENUE OUTFALL TO WESTERLY CREEK

Sponsor: Steve Sundberg, Council Member

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

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

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

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

11.d. Proposed Modifications to Moral Obligations Policy and Review of Existing Moral Obligations

R2022-194 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING A POLICY ON THE USE OF MORAL OBLIGATION PLEDGES BY THE CITY

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

Teresa Sedmak, City Treasurer, provided a summary of the item.

Motion by Bergan, second by Coombs to approve item 11d.

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

11.e. **Homelessness Initiative**

R2022-195 A RESOLUTION FROM THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S DESIRE TO REDUCE THE NUMBER OF PEOPLE EXPERIENCING HOMELESSNESS THROUGH EMPLOYMENT-BASED PROGRAMMING AND CONDITIONS-BASED TRANSITIONAL HOUSING THAT LEADS TO SELF-SUFFICIENCY. THE CITY COUNCIL DIRECTS THE CITY MANAGER AND HIS STAFF TO SUPPORT THIS EFFORT BY DEVELOPING AND EXECUTING A COMPREHENSIVE APPROACH THAT ALIGNS WITH THE NECESSARY SUPPORT TO MEET THE NEEDS OF THE DIVERSE HOMELESS POPULATION IN AURORA

Sponsor: Mike Coffman, Mayor

Mayor Mike Coffman provided a summary of the item.

Council heard public in-person testimony.

Discussion on the Bergan Amendment

Mayor Pro Tem Bergan offered an amendment that states the campus will be operated by nonprofit organizations in which no general fund revenues will be used for the construction, maintenance, and operations of the campus. Mayor Coffman considered this a friendly amendment. Mayor Pro Tem Bergan clarified that CDBG and ESG funds may be used.

Mayor Coffman said that operations in Colorado Springs and Haven for Hope have as many partners on the campus as possible for mental health, addiction recovery, job training, etc.

CM Marcano expressed concerns that the campus is not just an initiative of Aurora, and they are getting support from the state and other jurisdictions. He asked if the funding requirements have been discussed and if they are expecting Aurora to contribute from its homeless fund. Mayor Coffman said the city will negotiate with surrounding jurisdictions. He mentioned that Adams and Arapahoe County Commissioners have signed off. He asked for updates from J. Prosser. Mayor Pro Tem Bergan added that the

land is city-owned. J. Prosser said the grant monies from the state require a 50% match. But the final version of the NoFo is not out yet.

CM Marcano expressed concerns about the contribution, the required match, and the language possibly sending the wrong signal. Mayor Pro Tem Bergan said they will communicate with partners for clarification. She added that they can still use CDBG, ESG, and marijuana funds. R. Venegas clarified that marijuana funds are considered general funds. Mayor Coffman said they can also use ARPA dollars on the capital construction side. He added that they will negotiate with all partners. He mentioned the operator is still expected to raise the money. He reiterated that Mayor Pro Tem Bergan wrote that no more of 10% of the general fund revenues could go to it and they can always go back to Council for amendments depending on what the partners do. He mentioned it is better to say that no general fund dollars would be used at this point in time.

Mayor Pro Tem Bergan said the land also has value. J. Prosser said an appraisal will be done to determine the value of the land and it would be part of the match amount. Mayor Pro Tem Bergan clarified that they are reducing the reliance on general funds. She stressed that it is a different model since they are looking for partners and a nonprofit organization will be responsible for fundraising. Mayor Coffman mentioned that Haven for Hope and Colorado Springs have families outside the campus run by a partner nonprofit. He added that they need to see what other jurisdictions and the state will contribute. He mentioned that it is wrong to give the burden to Aurora taxpayers for a facility whose area is beyond city limits.

CM Marcano said that he agrees with the intent. He mentioned he is fine with the amendment as long as they are open to revisiting it. Mayor Pro Tem Bergan said she is open to revisiting this.

Discussion on the First Marcano Amendment

CM Marcano mentioned he is offering 17 amendments and said they are more aligned than not with the proposed resolution. He added that his preference is to not do a campus, but he understands that staff has a good reason for wanting to do it. He explained that his goal for the amendments is to serve as many people as possible through the investment and incorporate best practices into the resolution. CM Marcano offered his first amendment which revises the first paragraph of the resolution into: evidence-based policy that prioritizes housing, supportive services, and workforce development opportunities that lead to self-reliance.

Mayor Coffman asked why "employment-based programming and conditions-based transitional housing that leads to self-sufficiency" should be removed. CM Marcano explained that Haven for Hope, Houston, and Colorado Springs said that conditions become barriers to serving as many people as they can. This is since individuals must first be sound of body, sound of mind, and able and willing to work to participate in the Work-First Programming. A lot of unhoused do not fall into this category. He explained that his amendment will address the exclusion. Mayor Coffman said that for Phase 1, the campus will provide emergency services to anyone irrespective of their participation

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in a program or case management. He mentioned that he liked the language for those moving into Phase 2 and Phase 3.

CM Zvonek recalled that San Antonio talked about having requirements for participation and services as barriers to entry. He said that he looked at HUD numbers which state that there are over 1 million people experiencing homelessness. But people who are in transitional housing which has requirements are not included in the count. Between 2007 and 2014, there was a 31% drop when wraparound services for participants were required. When Housing-First became a policy, there was an increase in homelessness. He mentioned that the programs may be chasing federal dollars, compromising their program, and not doing what's best for the unhoused population. He stressed that Housing First in the early stages can offer false hope and looks like socialism in the late stages.

CM Marcano said that he is ensuring that any project that the city invests in serves the maximum population possible. He mentioned that the Bridge House's model doesn't reach everybody that they could. Mayor Pro Tem Bergan said that she is not comfortable with the amendment's language. She added that she does not want to take out condition-based transitional housing. She mentioned that if there are no conditions, then there are no incentives to move into counselling, drug addiction services, and eventually self-actualization. She stressed that this is much more compassionate than simply putting people in housing that continue to have mental health problems or drug addiction.

Mayor Coffman explained that the first tier of the resolution talks about low-barrier entry for those experiencing homelessness and who need emergency services. He reiterated that the resolution expresses the council's desire to reduce the number of people experiencing homelessness through employment-based programming and conditions-based transitional housing. He stressed that he wants to retain the language.

CM Coombs clarified that the proposed amendment does not reduce the prioritization of employment and supportive services. She highlighted that prioritizing housing does not change the resolution's thesis. Based on the evidence, ensuring that people have housing leads to success. She mentioned that the amendment highlights supportive services that include case and addiction management and workforce development opportunities which is employment. Mayor Pro Tem Bergan asked why they are taking out the original language instead of blending the two together.

Mayor Coffman mentioned that CM Marcano will present amendments that they did agree on that would require reporting by the contractor for visibility and transparency. This will include reports on program and job training participation. He said that these would accomplish the evidence-based approach. CM Murillo commented that the language including "evidence-based policy" is more accurate and encompassing and will pave the way for the effective and efficient use of taxpayer dollars. Mayor Pro Tem Bergan mentioned that they don't know what the evidence is at this point.

Discussion on the Second Marcano Amendment

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CM Marcano proposed his second amendment. Mayor Coffman stated that he had substantial discussions with the individual that developed the Colorado Springs Rescue Mission Campus, Mr. Yonker. He said that the individual felt that the language is fine and would be helpful for the nonprofit that operates the facility in terms of making their case for the increase in homelessness.

Discussion on the Third Marcano Amendment

CM Marcano proposed his third amendment. Mayor Pro Tem Bergan said that the conditions and incentives set by the Colorado Springs Rescue Mission were good and helped people transition. She said that she would like to keep some of the conditions in the language. Mayor Coffman mentioned that Mr. Yonker said that the language in the amendment is fine.

CM Marcano reiterated that his goal is to serve as many people as possible. He mentioned that there is evidence showing that more hurdles and conditions added to recovery programs increase the difficulty of people to succeed. If the unhoused individuals have underlying conditions that would make them not want to participate in the program, then the number of unhoused will not drop. CM Marcano said that they can't have conditions as a default requirement. He said that they can have different buckets of services and programming for people who might be open to the programs.

Mayor Pro Tem Bergan expressed concerns regarding individuals with drug addiction problems that would be offered housing but would not be required to be accountable. CM Zvonek stressed that their goal should be helping people become self-sufficient with the right services and support. He restated the increase in the number of people experiencing homelessness because of the Housing-First Policy. He mentioned that housing should be a part of the solution for the small segment of the unhoused population that can't be self-sufficient because of mental or physical disabilities. However, services should be required for most of the population. He said that they are simply hiding the homeless if they were to put them in housing but not change their condition and not help them become self-sufficient.

CM Marcano said that it is disingenuous to attribute the rise in homelessness to Housing First given that they experienced the Great Recession, eviction crises, and ballooning house prices at the time. He said there are studies done that indicate the leading cause of homelessness is the inability to afford shelter. He said putting people in shelters sets them up for greater success in the future. If they were to provide people with housing, they will continuously be checked in on and not simply left alone.

Mayor Pro Tem Bergan mentioned that if a person with a serious drug problem is housed and continuously refuses to seek help, then they are getting free housing being paid for by taxpayers. She stressed that they want to entice these individuals to have hope and move toward recovery. She stated that it would not be ideal to set zero expectations, conditions, and accountability. CM Marcano asked if these people would be better off on the street. Mayor Pro Tem Bergan said that the city offers pallet homes and other alternatives.

CM Coombs called for a point of order. She asked if the mayor votes on amendments regardless of a tie. D. Brotzman said that until the final resolution, the mayor is allowed to vote on the amendments. K. Rodriguez noted Mayor Coffman's votes for the first three Marcano Amendments.

Discussion on the Fourth Marcano Amendment

Mayor Pro Tem Bergan expressed her opposition since the amendments take out the conditions and the people can get housing but choose not to get help. Mayor Coffman stated that Mr. Yonker is okay with the amendment since the low-barrier housing is available to everybody. He added that Mr. Yonker didn't feel that the amendment conflicted with the program as envisioned. Mayor Pro Tem Bergan asked if the conditions on transitional housing are being taken out and letting people make their choice if they want to get help. Mayor Coffman said that they can't force people. Mayor Pro Tem Bergan said that transitional housing and low-barrier housing should be differentiated. She added that the city already offers low-barrier housing.

Discussion on the Gardner Motion to Table

CM Gardner stated that the item should be pulled and voted on when it is ready. Mayor Pro Tem Bergan agreed. CM Marcano said that it should go to the HORNS Committee for a discussion before being brought back to the full council. CM Gardner said that there is no reason to debate through all the proposals given that most have already been agreed upon by the proposer and the sponsor.

Mayor Coffman said that this is a major policy that needs to move forward, and the changes being made are not very substantive. Mayor Pro Tem Bergan said that they are making substantive changes and she might end up opposing the resolution. CM Sundberg commented that the amendment will take a bite out of the proposal changing the conditions-based approach to allowing the person to decide and be the "CEO of their own life". CM Marcano said that they can't force people to change but they can give opportunities. Mayor Pro Tem Bergan commented that they can give conditions. CM Marcano stated that the language is in keeping with best practices and that the people must have buy-in for any good recovery program. Mayor Pro Tem Bergan commented that she thinks that CM Marcano is against the resolution and is offering 17 amendments to sabotage it.

CM Coombs said that if they expect people to be self-sufficient, then they should expect them to be "CEO of their own life." People experiencing homelessness need to have control over what they are deciding to do and how they do it. CM Coombs stressed that they should respect these adult human beings to support them instead of only giving them the tools and opportunities once they do what they're told. She said that they should look at what Mayor Coffman and CM Marcano are doing in a positive way, which is compromising and coming to a sense of agreement.

CM Gardner recommended sending the item to the committee prior to being discussed by the full Council. CM Jurinsky commented that it would be a wasted step. She said

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that the mayor should decide which amendments he considers friendly and comes back with one resolution.

Mayor Coffman asked when the process starts for the state grant application. J. Prosser said that the State NoFo is coming out on November 15th. Then they will have more information regarding the application and the deadline, which is anticipated to be in January. Mayor Coffman said that he allowed amendments to be considered since many do not appear to be substantive. He added that he will forward a proposal without multiple amendments. He offered a substitute motion to delay the item for two weeks to the next Regular Meeting. CM Gardner accepted this as a friendly amendment.

Motion by Coffman, second by Zvonek to approve item 11e.

Motion by Bergan, second by Coffman to approve the Bergan amendment adding "Whereas the campus will be operated by nonprofit organization(s) in which no general fund revenues will be used either for the construction, maintenance, or operations of the campus."

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

Voting Nay: Coombs

Motion by Marcano, second by Coombs to approve the first Marcano Amendment which revises the first paragraph to state "evidence-based policy that prioritizes housing, supportive services, and workforce development opportunities that lead to self-reliance."

Voting Aye: Coombs, Marcano, Medina, Murillo

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

Motion by Marcano, second by Coffman to approve the Second Marcano Amendment, adding "WHEREAS, homelessness in Aurora has been increasing for years and has dramatically increased since the onset of the COVID-19 global pandemic."

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

Voting Nay: Zvonek

Motion by Marcano, second by Coombs to approve the Third Marcano Amendment which revises the Whereas Clause to state "WHEREAS, the City Council (Council) of the City believes, that providing an approach of supportive services with defined conditions and incentives can transform the lives of people experiencing homelessness and it is inhumane and far more expensive to allow people experiencing homelessness to languish on the streets than it is to provide housing with supportive services to this population and help put them on a path toward self-reliance."

Motion by Jurinsky, second by Zvonek to close debate on the Third Marcano Amendment.

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

Voting Nay: Coombs, Murillo

Motion by Marcano, second by Coombs to approve the Third Marcano Amendment which revises the Whereas Clause to state "WHEREAS, the City Council (Council) of the City believes, that providing an approach of supportive services with defined conditions and incentives can transform the lives of people experiencing homelessness and it is inhumane and far more expensive to allow people experiencing homelessness to languish on the streets than it is to provide housing with supportive services to this population and help put them on a path toward self-reliance."

Voting Aye: Coombs, Marcano, Medina, Murillo

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

Motion by Marcano, second by Murillo to approve the Fourth Marcano Amendment which revises the Whereas Clause to state "that empower individuals experiencing homelessness to choose for themselves their path to self-reliance, to include mental and physical health care, job training, educational assistance, and low-barrier housing."

Motion by Gardner, second by Jurinsky to table item 11e until the next Regular Council Meeting.

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

11.f. **Aurora Homelessness**

R2022-199 A RESOLUTION FROM THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S DESIRE TO REDUCE THE

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NUMBER OF PEOPLE EXPERIENCING HOMELESSNESS THROUGH EVIDENCE-BASED POLICY THAT PRIORITIZES HOUSING, SUPPORTIVE SERVICES, AND WORKFORCE DEVELOPMENT OPPORTUNITIES. THE CITY COUNCIL DIRECTS THE CITY MANAGER AND HIS STAFF TO SUPPORT THIS EFFORT BY DEVELOPING AND EXECUTING A COMPREHENSIVE APPROACH THAT ALIGNS WITH THE NECESSARY SUPPORT TO MEET THE NEEDS OF THE DIVERSE HOMELESS POPULATION IN AURORA

Sponsor: Juan Marcano, Council Member

Item was withdrawn by Marcano.

11.g. **First Amendment to IGA with Colorado Department of Transportation (CDOT) for USDOT BUILD Grant for the I-70 & Picadilly Interchange Project**

R2022-196 CONSIDERATION TO APPROVE THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) REGARDING THE PASSTHROUGH FUNDING OF THE USDOT BUILD GRANT FOR THE I-70 & PICADILLY INTERCHANGE PROJECT

Matt Kozakowski, Transportation Project Delivery Manager / Michelle Gardner, Senior Assistant City Attorney

Matt Kozakowski, Transportation Project Delivery Manager, provided a summary of the item.

Motion by Bergan, second by Sundberg to approve item 11g.

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

11.h. **First Amendment to IGA with Colorado Department of Transportation (CDOT) for Funding of the High Line Canal Trail Project**

R2022-197 CONSIDERATION TO APPROVE A RESOLUTION FOR THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN AURORA AND COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR FUNDING OF THE HIGH LINE CANAL TRAIL PROJECT

Matt Kozakowski, Transportation Project Delivery Manager / Michelle Gardner, Senior Assistant City Attorney

Matt Kozakowski, Transportation Project Delivery Manager, provided a summary of the item.

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

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

11.i. **IIJA DOLA Local Match Program**

R2022-198 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, OFFICALLY SUPPORTING CITY STAFF'S EFFORTS TO APPLY TO THE DEPARTMENT OF LOCAL AFFAIRS FOR A LOCAL MATCH PROGRAM SUPPORTING INFRASTRUCTURE INVESTMENT AND JOBS ACT GRANTS AND AUTHORIZING CITY STAFF TO COMPLETE AND EXECUTE ALL NECESSARY FORMS AND DOCUMENTS TO COMPLETE THE APPLICATION PROCESS

Waiver of reconsideration requested due to competitive, limited nature of funding available.

Laura Perry, Deputy City Manager / Hanosky Hernandez, Senior Assistant City Attorney

Laura Perry, Deputy City Manager, provided a summary of the item.

Motion by Murillo, second by Marcano to approve item 11i with a waiver of reconsideration.

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

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

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

12.a. **Harvest Mile Initial Zoning**

2022-56 A PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING APPROXIMATELY 308.6 ACRES OF LAND, MORE OR LESS, GENERALLY LOCATED NORTH AND SOUTH OF SMITH ROAD AND WEST OF POWHATON ROAD, COUNTY OF ADAMS, STATE OF COLORADO, TO BUSINESS/TECH ZONE DISTRICT AND AMENDING THE ZONING MAP ACCORDINGLY (HARVEST MILE INITIAL ZONING)

Aja Tibbs, Senior Planner / Dan Money, Senior Assistant City Attorney

Mayor Coffman opened the public hearing.

Aja Tibbs, Senior Planner, provided a summary of the item.

Kevin Kelley with United Properties and Susan Wade with Redland provided a presentation.

Mayor Coffman closed the public hearing.

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

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

12.b. **Best Box Self Storage – 26th Ave. Initial Zoning**

2022-57 A PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ZONING APPROXIMATELY FIVE-ACRES OF LAND, MORE OR LESS, GENERALLY LOCATED 400 FEET EAST OF THE NORTHEAST CORNER OF PICADILLY ROAD AND EAST 26TH AVENUE, COUNTY OF ADAMS, STATE OF COLORADO, TO BUSINESS/TECH ZONE DISTRICT AND AMENDING THE ZONING MAP ACCORDINGLY (26TH AVENUE INITIAL ZONING)

Erik Gates, Planner / Dan Money, Senior Assistant City Attorney

Outside speaker: Beau Reinberg, BCN Management Partners / Michael Cleary, Strategic Site Design LLC

Mayor Coffman opened the public hearing.

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

Mayor Coffman closed the public hearing.

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

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

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

14. **INTRODUCTION OF ORDINANCES**

14.a. **2023 Adopting Budget**

2022-58 AN ORDINANCE OF THE CITY OF AURORA, COLORADO, ADOPTING AN OPERATING AND CAPITAL IMPROVEMENTS PROJECTS BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023

Greg Hays, Budget Officer / Hanosky Hernandez, Senior Assistant City Attorney

Council heard public in-person testimony.

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

CM Zvonek commented that prior to the Patterns and Practice Report by the Attorney General, the city created the Office of the Independent Monitor with four FTE created but never filled, and ultimately eliminated as a budget-saving opportunity. This is because an independent monitor was hired for over \$700,000 a year to do the job of the created

FTEs for as long as the consent decree is in place. CM Lawson stated that they are different functions since the police monitor is more public facing while the auditor is more internal and looks at the programs through a policy lens. She stressed that the independent monitor looks at incidents and complaints brought in by the community. She stated that she will propose reinstating the independent monitor position. CM Zvonek replied that the recently hired independent monitor through the consent decree monitors policies and practices and makes recommendations, which are the tasks of the original office. He reiterated that the roles are duplicative. CM Lawson restated that the police monitor is not more public facing with the community.

Mayor Pro Tem Bergan mentioned that they asked J. Twombly during the Budget Meeting if the four FTE positions were needed despite having an independent monitor through the consent decree. J. Twombly said that there is an overlap. The independent police monitor intakes citizen-initiated complaints and conduct investigations as a public-facing independent review of police actions. They also discussed the roles of a consent decree monitor and an independent police monitor at the Attorney General's Office. He mentioned that the three positions at the Office of the Independent Police Monitor were not filled due to concerns regarding confusion between the two roles and not being privy to what the implementation of the consent decree would look like. J. Twombly explained that the consent decree monitor looks at practices, policies, the use of force, internal investigations, etc.

Mayor Pro Tem Bergan said that they are saving over \$500,000 by not filling the positions since they are paying \$700,000 to the Consent Decree Monitor's team to look at the practices and policies. J. Twombly added that they look at practices and policies as it relates to the patterns of practice investigation and its findings. Mayor Pro Tem Bergan suggested fulfilling all the needs of the consent decree, which could take another four years, and then adding back in the independent police monitor and filling the positions. J. Twombly said that it is a policy decision. He mentioned that he would not strongly advocate for filling the independent police monitor position as an economic decision. He mentioned that they could always add the position later.

CM Murillo mentioned that she was uncomfortable with eliminating the positions. She mentioned that the consent decree monitor is only temporary. She stressed that budgets are moral documents, and they should be willing to state that it is a department and position that will have filled regardless of a recession. She said that it doesn't sound guaranteed that this position would be revisited and implemented in a few years. They could guarantee that it continues if it is incorporated into the 2023 Budget. CM Murillo recalled other council members having to cut the budget for their own proposals, such as the occupational task. She expressed support for CM Lawson's proposal to keep the positions in the budget in addition to the DEI position. She mentioned that the office is new, and time, resources, and budgets are required for it to grow and thrive. She stressed the importance of investing in equity, access, and diversity regardless of fiscal position.

CM Zvonek mentioned that the office was created before the consent decree. He stated that if they were not under the consent decree, the three positions would be appropriate. He stressed that the monitor, even if temporary, would be in the city for no less than

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four years for over \$700,000 a year. Once that is completed, the money being spent on the consent decree monitor could then be put to fund the office and its positions. If they held money in the budget for the three FTEs in question, the money could not be spent on other priorities.

Discussion on the Marcano Amendment

CM Marcano asked about the \$419,000 amount. G. Hays explained that it is the amount from the elimination of the vacant police monitor program. CM Marcano mentioned that the consent decree monitor position will lapse. He suggested hiring a manager for the office to be trained by the current consent decree monitor on the job and to ensure a clean transition. The manager will then be responsible for training the additional FTEs of the office.

Mayor Pro Tem Bergan said that the consent decree monitor probably has four more years. She reiterated that they are heading into a recession and are talking about spending \$419,000 on vacant positions despite the need being met by the Consent Decree Monitor. She suggested getting through the next budget year, revisiting it, and adding one position first. CM Coombs mentioned that it would be fiscally responsible to not spend the money that was already budgeted. She mentioned that the budget is already balanced with the \$419,000 to be held over as the office is built back up. She expressed support for CM Marcano's idea to have a transition person. She said that if they are in dire fiscal strains, they are not looking for what else to cut to fund the positions when they are finally needed. CM Coombs stressed that holding the money aside in general management guarantees having funding for the program in the future.

CM Lawson expressed support for CM Marcano's proposal to have one person for the transition and CM Coombs' proposal of putting the money in the general management fund. She mentioned that the Budget Workshop was not televised, and the community did not know what was happening.

Mayor Pro Tem Bergan asked if they are supposed to be voting on a budget that is already balanced. G. Hays said yes. Mayor Pro Tem Bergan asked if holding the \$419,000 would create extra money. G. Hays said that budget cuts were done in the workshop and the budget was lowered by \$775,000. He explained that if something were to be added back in, it would still be balanced because the budget was cut enough. Mayor Pro Tem Bergan said that she is not supporting adding something that the city already has, and it would only make sense to have the positions if there isn't a consent decree monitor. She suggested putting the FTEs back in the budget in one or two years depending on the status of the consent decree. She recalled CM Lawson voting to eliminate the positions during the workshop. CM Lawson explained she changed her position because she received additional information, talked to community members, and reviewed her previous vote.

CM Coombs clarified that the proposal is not to duplicate the consent decree monitor but to have an internal position that provides the necessary structure and institutional knowledge to support the transition of the consent decree monitor to an Independent Police Monitor. The manager will also perform some of the functions that the consent

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decree monitor does not perform. She stressed that expecting a seamless transition without having a person with institutional knowledge is a problem. She proposed a friendly amendment to fill the one position and hold the remaining funds for the two FTEs in general management as a guarantee for the future of the program.

Mayor Pro Tem Bergan asked why there are three positions. J. Twombly explained that there is a monitor, investigator, and admin person. Mayor Pro Tem Bergan asked what the current process is. J. Batchelor clarified that APD has its own investigations for discipline. If there's any criminal action, an outside agency would review it. The Office of the Independent Police Monitor conducts its own investigation independent of APD. Mayor Pro Tem Bergan asked if the Consent Decree Monitor Team has investigators. J. Batchelor said that the team looks at different areas identified by the consent decree including use of force, documentation of stops, racially biased policing, etc. There is a team of experts that do research into those areas and other issues.

CM Gardner expressed interest in CM Marcano's proposal but said that it needs to be more fleshed out in terms of cost and responsibilities. He said that he is interested in funding the position in the Spring Supplemental. He mentioned that the Police Chief finalists said that the consent decree may be in place for 7 to 10 more years and CM Gardner stressed that he does not want to waste taxpayer money on duplicative positions. He mentioned that they cut several positions in other departments in addition to the DEI office and the Office of the Independent Monitor. He said that they are not wasting taxpayer money on vacant positions, instead, put them into other priorities.

CM Zvonek agreed with CM Gardner and said that it makes sense to have someone for the transition, but they still don't know when it will be. He explained that the Consent Decree Monitor Contract is more expensive early on and tapers towards the end. Funding will be available for the Independent Monitor using the funds allocated in the contract toward the end. He said that the \$775,000 that is freed up could be used to build up reserves for the potential recessionary period. He said that it is irresponsible to keep money in the general management fund but not fill the roles and only fill one role for the transition out of the consent decree, which does not yet have an end date.

D. Brotzman explained that the Charter states that the mayor may not vote on ordinances or resolutions unless it is to make or break a tie. The Council Rules state that the mayor is not entitled to vote on any resolution, ordinance, or amendments thereto and that the mayor votes on all motions. For consistency, the mayor's vote on amendments will not be recorded unless to make or break a tie.

Discussion on the Gardner Amendment

CM Gardner proposed his amendment which brings the authorized force from 774 to 778. He explained that he understands that these may not be filled until the end of 2023, but it is important to comply with the consent decree. Mayor Coffman asked what the positions do. J. Batchelor explained that the four sworn officers would cost \$113,000 ongoing and \$45,000 one-time for each position. Currently, there are 40 to 45 unfilled positions in terms of authorized staffing. CM Gardner added that they are not dedicated to anything specific and could be patrol or otherwise. J. Batchelor added that they would

not be put into the shift soon since the positions cannot be filled until the end of the year. As soon as they are available, they will be put on the street.

CM Zvonek offered an amendment to have it take effect in the fourth quarter to give some budget savings but still comply with the 778. CM Gardner took this as a friendly amendment.

CM Marcano mentioned that they can meet the requirement without sworn officers. This is why the 12 FTEs were changed to 7 since they would still be in compliance with the mandate to dedicate resources to public safety. He stated that Chief Oates said during the Budget Workshop that if the number of Civilian Traffic Officers is boosted, it is a 1:1 differential and a cost savings since they take menial tasks off the sworn officers.

CM Marcano offered an amendment to switching the sworn to civilian positions to provide immediate relief.

Mayor Pro Tem Bergan mentioned that they are mandated to have two officers per 1,000 population. J. Batchelor confirmed that under the consent decree with the Aurora Police Association, two sworn post-certified officers are needed per 1,000 population. The 778 officers are the staffing target for December 15th, 2023.

CM Murillo asked for clarification regarding the 1:1 return for transitioning a sworn officer to a civilian position. She mentioned that it is less expensive to hire for a civilian position. She added that they could afford more civilian positions to provide the needed administrative relief to the department. G. Hays stated that they added 7 civilian positions for \$500,000, which is \$72,000 per civilian. Adding the four police officers for a quarter of the year would be \$113,000 ongoing.

CM Zvonek reiterated that they have to be authorized at 778 by December 15, 2023 to be in compliance with the agreement. He mentioned that Chief Oates said that filling civilian positions would be a significant help. A 2017 staffing study indicated that civilian positions could benefit the APD and take some administrative burden. However, there are staffing issues to consider. If Chief Oates could fill the roles and come back in the Spring Supplemental, Council would be happy to look at more civilian-type roles. He said that it is fiscally responsible to hold the money only from Q4 of 2023 since they are roles that are difficult to fill.

CM Coombs mentioned that they were told at the Budget Workshop that the civilian positions could count toward the modified stipulated consent decree with the APA. J. Batchelor explained that the council that entered into the consent decree limited the scope to provide two officers per 1,000. Mayor Pro Tem Bergan said that they can go above 2 per 1,000 with the civilians, but the two police officers are still required. J. Batchelor added that the modified consent decree defines a police officer as post-certified.

Mayor Pro Tem Bergan expressed support for CM Gardner's amendment and CM Zvonek's proposal of filling it in Q4 of 2023.

CM Marcano stated that strict formulas for staffing are not considered best practices. He mentioned that the International Association of Chiefs of Police holds the same position. He said that staffing should be based on need, which could be sworn or civilian. He asked if the Modified Stipulated Consent Decree is actually enforceable given that the APA is no longer the bargaining unit for APD. D. Brozman said that the Council previously directed the City Attorney to enter the consent decree and has given prior authorization to move forward with the language.

CM Murillo said that they entered into an agreement that they should have staffing at a certain level regardless of whether they can fill the position or not. Speaking regarding the consent decree monitor, she mentioned that there are some logical fallacies that they are okay in one area with the same type of arrangement, but not in another.

CM Coombs called for a point of order. She stressed that CM Marcano made a substitute motion to switch the sworn to civilian positions to provide immediate relief. Mayor Coffman said that CM Gardner did not answer whether it was a friendly amendment or not and it was not offered as a substitute motion. He explained that the motion was not recognized since it was not formally made.

Discussion on the Coombs Amendment

CM Coombs proposed adding back the position in the DEI office that was eliminated despite it not being vacant for years. She stressed that they should also give this office a few months as a courtesy to fill the positions instead of cutting them. They need the time and opportunity to build up what they are doing for the community regarding diversity, equity, and inclusion. Mayor Pro Tem Bergan explained that the office has two filled positions, while one position remains vacant and costs \$157,900. She said that the office has not yet provided its reports. She added that she doesn't see the need to add another position, but they could do so next year. She reiterated that they need to be careful with the budget in light of the recession.

CM Sundberg mentioned that they examined vacancies across the city. He stated that he acknowledges that vacancies can create stress with an increased workload but can also create efficiencies in doing the same amount of work with fewer people. He said that he feels that the answers fell short when he asked questions regarding the structure of the department, analysis of productivity, and success measures. CM Jurinsky mentioned that the DEI Office was not supposed to be an entire office. One person was hired to be the DEI officer and then more positions were added. It has since been reorganized and restructured into the HR Department. CM Murillo also asked why one position became three.

J. Twombly explained that the Assistant City Manager moved into the DEI office. During the first year, the budget included consultants who trained with employees. Then, a second position was added to rely less on consultants which are more expensive. The third position was added for admin support since they used to be supported by the City Manager's Office admin staff. CM Murillo summarized that the positions grew based on need. She said that it makes sense that a new office or department grows for it to be successful. She added that an office of three people is not that much. She said that they

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are moving backward with creating the DEI but not truly funding it at the required staffing levels.

CM Jurinsky asked if there will be additional admin support since the DEI has moved into HR. J. Twombly said that HR would not be able to provide admin support since they are already stretched thin. He added that the admin person is still part of the DEI, but the manager position was deleted from the budget.

Mayor Coffman said that there is a bias in the administration towards employees versus contracts. He asked G. Hays to provide numbers on what was spent on contract support for the DEI functions compared to adding another person in-house. G. Hays said that they will research this.

CM Coombs mentioned that the DEI office looks at contracts and procurements. She asked how HR relates to and has expertise associated with that component. She asked how the work of the DEI office will get done by removing another position. T. Velasquez said that they have a partnership with the DEI Director on initiatives regarding procurement.

Mayor Pro Tem Bergan said that there are people willing to work flexible hours or part-time for admin duties. She suggested that temporary staffing may be more efficient than adding FTEs with high salaries and benefits. She added that she wants to see an audit of the office or reporting of what gets done before adding another position. Mayor Pro Tem Bergan expressed that she will not be in support unless additional information is provided.

Mayor Coffman asked when the spring supplemental will be. Staff stated that it would be around April 2023. Mayor Coffman said that he will look at the position in terms of functions, contracts, and efficiency to provide the functions on a contract basis.

Discussion on Item 14a

CM Coombs expressed disappointment in the Council's inability to prioritize meaningful things that the community wants. She stated that she will not vote yes on the budget.

Mayor Pro Tem Bergan said that they still have the DEI Office and police monitoring and are supporting them. However, they are being fiscally responsible with the budget. CM Marcano said that they are cutting services that the residents have asked for. He pointed out that since the new council was sworn in, he has never seen so many people call for the question in the years that he has been following the council.

CM Lawson expressed concerns and disappointment regarding the budget cuts. She mentioned that the community did not know about this at the Workshop. She said that she will vote yes on the budget because of the other services that the City has to provide.

Motion by Marcano, second by Zvonek to approve item 14a.

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Motion by Marciano, second by Coombs to approve the Marciano Amendment to fill a manager position for the Independent Police Monitor within the 2023 Budget and hold the remainder of the funds for the two positions in the General Management Fund to be applied in the future.

Motion by Jurinsky, second by Bergan to end debate on the Marciano Amendment.

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

Voting Nay: Coombs, Lawson, Marciano, Murillo

Motion by Marciano, second by Coombs to approve the Marciano Amendment to fill a manager position for the Independent Police Monitor within the 2023 Budget and hold the remainder of the funds for the two positions in the General Management Fund to be applied in the future.

Voting Aye: Coombs, Lawson, Marciano, Medina, Murillo

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

Motion by Gardner, second by Bergan to add four (4) additional sworn officers effective the 4th Quarter of 2023.

Motion by Coffman, second by Zvonek to end debate on the Gardner Amendment.

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

Voting Nay: Coombs, Murillo

Motion by Gardner, second by Bergan to add four (4) additional sworn officers effective the 4th Quarter of 2023.

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

Voting Nay: Coombs, Marciano, Medina, Murillo

Motion by Coombs, second by Murillo to add back the position in the DEI Office.

Motion by Jurinsky, second by Zvonek to end debate on the Coombs Amendment.

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

Voting Nay: Coombs, Marcano, Medina, Murillo

Motion by Coombs, second by Murillo to add back the position in the DEI Office.

Voting Aye: Coombs, Lawson, Marcano, Medina, Murillo

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

Motion by Jurinsky, second by Bergan to end debate on item 14a.

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

Voting Nay: Coombs, Marcano, Medina, Murillo

Motion by Marcano, second by Zvonek to approve item 14a.

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

Voting Nay: Coombs, Marcano, Murillo

14.b. **2023 Budget Appropriations**

2022-59 AN ORDINANCE OF THE CITY OF AURORA, COLORADO, APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023

Greg Hays, Budget Officer / Hanosky Hernandez, Senior Assistant City Attorney

CM Murillo asked for an explanation of the difference between 14a and 14b. G. Hays said that one adopts the big budget and the second will be doled out into the departments and into the funds for the fund accounting.

CM Marcano asked if this would be amended to reflect the changes made in item 14a. G. Hays stated that they will adjust this, but it still has to be approved.

Motion by Gardner, second by Marcano to approve item 14b.

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

Voting Nay: Coombs

14.c. Transportation Maintenance Fund Creation

2022-60 FOR AN ORDINANCE OF THE CITY OF AURORA, COLORADO, CREATING THE TRANSPORTATION MAINTENANCE FUND

Greg Hays, Budget Officer / Hans Hernandez, Senior Assistant City Attorney

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

Motion by Sundberg, second by Zvonek to approve item 14c.

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

14.d. 2023 Tax Levy

2022-61 FOR AN ORDINANCE ESTABLISHING THE TAX LEVY ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF AURORA, COLORADO, FOR THE TAX COLLECTION YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023

Greg Hays, Budget Officer / Hanosky Hernandez, Senior Assistant City Attorney

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

Motion by Medina, second by Marcano to approve item 14d.

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

14.e. Water Rate Ordinance

2022-62 CONSIDERATION OF THE CITY COUNCIL OF THE CITY OF AURORA TO APPROVE AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 138 OF THE CITY CODE OF THE CITY OF AURORA RELATING TO SERVICES FOR THE PROVISION OF WATER

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

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

Mayor Coffman asked if the credit card processing fees would be given to the consumers. M. Brown explained that there will be a public campaign done to educate customers on water bill payment options. The city still covers the cost of ACH and bank transfers since they are still low. However, credit card processing costs have been higher, and people are discouraged to use credit cards. For those that must use cards, a processing fee will be charged. Mayor Coffman asked if there will be an efficiency offset for checks versus credit cards. M. Brown said that electronic checks are easier to process since they have contracts with Wells Fargo to process electronic bank transactions. For credit card transactions, the city pays a processing company. Previously, staff has been negotiating with the vendor to lower fees. Mayor Coffman asked what the costs are associated with processing checks. M. Brown explained that they are initially administered by staff at a low cost and use Wells Fargo for processing.

CM Sundberg asked where the rate increase will put Aurora relative to other municipalities. M. Brown said that Aurora is in the lower third of overall costs for utility, water, wastewater, sewer, and stormwater combined. He said that this position will remain despite the rate increase and could possibly go down.

CM Gardner expressed his opposition. He mentioned that other businesses do not charge credit card fees because they have competition and it's the cost of doing business. He mentioned that the three entities that charge processing fees, including Xcel Energy, DMV, and Aurora Water, do not have competition. He stated that he is not inclined to support a water rate increase in a time of extraordinary inflation and recession.

Mayor Pro Tem Bergan asked how the water department would be affected if the rate increase will not be imposed. M. Brown said that the costs of Aurora Water's operating budget are up 12% and they are proposing a 4% increase to cover the costs to control some inflationary impacts. If the 4% increase is not approved, it will compromise the ability of Aurora Water to provide services. They would then tap into reserves, which may not be available should there be a drought. Mayor Pro Tem Bergan asked for the cost of chemicals. M. Brown stated that the hydrogen peroxide costs are up by 20% and some other chemicals have gone up to 50%. He added that electricity is also difficult in addition to the 35% personnel costs. He mentioned that they don't have options to get electricity elsewhere. Even a 15% increase in the items has a significant impact. Mayor Pro Tem Bergan expressed support for the ordinance.

CM Sundberg mentioned that he was charged a credit card processing fee when he was at The View House. This is not done for debit cards or cash. He mentioned that he hates to see rate increases and inflation but added that people are not surprised especially in small businesses. He said that people are typically understanding of price increases.

Motion by Coombs, second by Murillo to approve item 14e.

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

Voting Nay: Gardner, Lawson, Jurinsky, Zvonek

14.f. **General Improvement District 3-2008 (Meadow Hills Country Club) 2023 Operating Budget**

2022-63 CONSIDERATION OF AN ORDINANCE FOR INTRODUCTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, OF GENERAL IMPROVEMENT DISTRICT 3-2008 (MEADOW HILLS COUNTRY CLUB) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023.

Andrew Jamison, Debt and Treasury Supervisor, Finance / Hanosky Hernandez, Senior Assistant City Attorney

Andrew Jamison, Debt and Treasury Supervisor, provided a summary items 14f through 14k.

CM Jurinsky asked if items 14f through 14k can be voted on together. D. Brotzman clarified that the Council is acting as a Board in each. Therefore, each one is different and should be voted on separately.

Motion by Bergan, second by Jurinsky to approve item 14f.

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

14.g. **General Improvement District 2-2011 (Aurora Conference Center) 2023 Operating Budget**

2022-64 CONSIDERATION OF AN ORDINANCE FOR INTRODUCTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, OF GENERAL IMPROVEMENT DISTRICT 2-2011 (AURORA CONFERENCE CENTER) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023.

Andrew Jamison, Debt and Treasury Supervisor, Finance / Hanosky Hernandez, Senior Assistant City Attorney

Andrew Jamison, Debt and Treasury Supervisor, provided a summary of the item.

Motion by Sundberg, second by Marcano to approve item 14g.

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

14.h. **General Improvement District 1-2007 (Cherry Creek Racquet Club) 2023 Operating Budget**

2022-65 CONSIDERATION OF AN ORDINANCE FOR INTRODUCTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, OF GENERAL IMPROVEMENT DISTRICT 1-2007 (CHERRY CREEK RACQUET CLUB) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023.

Andrew Jamison, Debt and Treasury Supervisor, Finance / Hanosky Hernandez, Senior Assistant City Attorney

Andrew Jamison, Debt and Treasury Supervisor, provided a summary of the item.

Motion by Sundberg, second by Bergan to approve item 14h.

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

14.i. **Cobblewood General Improvement District 1-2016 2023 Operating Budget**

2022-66 CONSIDERATION OF AN ORDINANCE FOR INTRODUCTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, OF COBBLEWOOD GENERAL IMPROVEMENT DISTRICT 1-2016 ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023.

Andrew Jamison, Debt and Treasury Supervisor, Finance / Hanosky Hernandez, Senior Assistant City Attorney

Andrew Jamison, Debt and Treasury Supervisor, provided a summary of the item.

Motion by Gardner, second by Sundberg to approve item 14i.

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

14.j. **General Improvement District 1-2008 (Peoria Park) 2023 Operating Budget**

2022-67 CONSIDERATION OF AN ORDINANCE FOR INTRODUCTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, OF GENERAL IMPROVEMENT DISTRICT 1-2008 (PEORIA PARK) ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023.

Andrew Jamison, Debt and Treasury Supervisor, Finance / Hanosky Hernandez, Senior Assistant City Attorney

Andrew Jamison, Debt and Treasury Supervisor, provided a summary of the item.

Motion by Gardner, second by Sundberg to approve item 14j.

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

14.k. Pier Point 7 General Improvement District 2-2009 2023 Operating Budget

2022-68 CONSIDERATION OF AN ORDINANCE FOR INTRODUCTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, OF PIER POINT 7 GENERAL IMPROVEMENT DISTRICT 2-2009 ADOPTING AN OPERATING BUDGET, ESTABLISHING THE TAX LEVY, AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023.

Andrew Jamison, Debt and Treasury Supervisor, Finance / Hanosky Hernandez, Senior Assistant City Attorney

Andrew Jamison, Debt and Treasury Supervisor, provided a summary of the item.

Motion by Sundberg, second by Gardner to approve item 14k.

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

14.l. 2023 Ward Redistricting

2022-69 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING AN UPDATED MAP OF WARD BOUNDARIES PURSUANT TO THE MANDATE OF SECTION 54-5(B) OF THE CITY CODE

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

Kadee Rodriguez, City Clerk, provided a summary of the item.

Motion by Gardner, second by Marcano to approve item 14l.

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

14.m. Ward Realignment Recommendation Deadline

2022-70 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 54-5 OF THE CITY CODE OF THE CITY OF 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.*

COLORADO, BY ADOPTING ADDITIONAL CLARIFYING LANGUAGE TO SUBSECTIONS (b) AND (c) TO DIRECT THE AURORA ELECTION COMMISSION TO COMPLETE ITS REVIEW OF WARD BOUNDARIES AND SUBSEQUENT RECOMMENDATIONS FOR REALIGNMENT OF WARD BOUNDARIES, IF ANY, AND TO TRANSMIT THE SAME TO CITY COUNCIL NO LATER THAN THE FIFTEENTH (15TH) DAY OF OCTOBER IN THE YEAR PRECEDING THE YEAR IN WHICH THE REALIGNMENT SHALL TAKE EFFECT, CURRENTLY IN CALENDAR YEARS ENDING IN "3" AND "9"

Sponsor: Juan Marcano, Council Member

Dave Lathers, Senior Assistant City Attorney

Dave Lathers, Senior Assistant City Attorney, and Council Member Marcano provided a summary of the item.

Mayor Pro Tem Bergan thanked the Management and Finance Committee for setting the dates. CM Sundberg expressed appreciation to staff for their work on the redistricting.

Motion by Marcano, second by Medina to approve item 14m.

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

15. **FINALIZING OF ORDINANCES**

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

16. **PLANNING MATTERS**

17. **ANNEXATIONS**

18. **RECONSIDERATIONS AND CALL UPS**

19. **GENERAL BUSINESS**

20. **REPORTS**

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

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

CM Jurinsky wished everyone a happy and safe Halloween.

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CM Medina reported that he attended the Open Space Committee Meeting. He mentioned that they have plans to bring to Council the east side of the Morrison Nature Center where structures and nature pieces for children will be placed.

CM Sundberg mentioned the rededication of the Coal Creek Schoolhouse. He added that he had a great discussion with Forestry, PROS, Aurora Water, and water conservation regarding efforts for a broader conservation effort for the city and a campaign. CM Sundberg also attended the cadet graduation. He announced that the Aurora Interfaith Community Network had a fundraising event for a nonprofit that feeds a lot of people.

CM Marcano reminded the public to exercise their right to vote and that the ballots are out. He mentioned that if they have not yet received a ballot, they can check its status at www.govotecolorado.com or contact the County Clerk's Office for a replacement. Ballots must be mailed in by November 4th or dropped in a drop box by 7 PM on election day.

Mayor Pro Tem Bergan mentioned that she was a judge at the Halloween Dog Costume Contest.

21. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of the City Council.



MIKE COFFMAN, MAYOR

ATTEST:



KADEE RODRIGUEZ, CITY CLERK



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