
MINUTES

Regular Meeting of the Aurora City Council

Monday, September 12, 2022

1. **RECONVENE REGULAR MEETING OF SEPTEMBER 12, 2022, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of the City Council for September 12, 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, Sundberg, Zvonek

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

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

Mayor Coffman held a moment of silence for Arvada Police Officer Dylan Vakoff who was killed while intervening in a domestic violence dispute.

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated that during the executive session, council discussed pending litigation.

6. **APPROVAL OF MINUTES**

6.a. **August 22, 2022, Meeting Minutes**

Motion by Marcano, second by Bergan, to approve the minutes of the August 22, 2022 as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

7.a. **School of Breaking Day**

Mayor Coffman proclaimed September 28, 2022 as School of Breaking Day.

7.b. **POW-MIA Recognition Day**

Mayor Coffman proclaimed September 16, 2022 as POW-MIA Recognition Day.

7.c. **Constitution Week**

Mayor Coffman proclaimed the week of September 17 to September 23, 2022 as Constitution Week.

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 requested the contact information of the individual that talked about the repairs for the hailstorm damage.

Mayor Coffman and CM Coombs requested the contact information of the individual that talked about the photo enforcement cameras being set up.

CM Gardner responded that voting against an increase in the minimum wage and his tweet regarding abolishing the minimum wage completely is a consistent position regarding this issue.

Mayor Coffman commented that he and Joyce Bradney visited the wetlands property and identified the encampment. He told her that there will be an abatement on Wednesday.

9. **ADOPTION OF THE AGENDA**

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

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, 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 AWARD A COMPETITIVELY BID CONTRACT to CARDINAL COATINGS, LLC, Salt Lake City, Utah, in the amount of \$163,857.50 for the First Creek Interceptor Segment 0 Manhole Lining Project, Project No. 5893A.**

Andrea Long, Senior Engineer / Dave Lathers, Senior Assistant City Attorney

10.b. **Consideration to AWARD WORK PACKAGE NUMBER ONE to Reynolds Construction, LLC, Denver, Colorado, in the amount of \$8,010,901.18 for the Eastern Utility Extension Pipeline Project, Project No. 5876A. Waiver of reconsideration requested due to the volatility of materials and the ability of the supplier to hold their proposed cost**

Dean Bedford, Principal Engineer / Dave Lathers, Senior Assistant City Attorney

10.c. **Consideration to AWARD AN OPENLY SOLICITED CONTRACT to HDR Engineering, Inc., Denver, Colorado in the amount not-to-exceed \$258,777.00 for infrastructure grant consulting and writing services through July 31, 2023. R-2267**

Laura Perry, Deputy City Manager / Christina McClelland, Grant Development Manager / Dave Lathers, Senior Assistant City Attorney

10.d. **Consideration to AWARD CHANGE ORDER NO. 2 to a competitively bid contract to Saunders Construction, Englewood , Colorado in the amount of \$825,000 for Work Package 3 of the Southeast Aurora Maintenance (SEAM) Facility, Project R-5661A**

Sarah Young, Deputy Director of Planning and Engineering, Aurora Water / Dave Lathers, Senior Assistant City Attorney

10.e. **Consideration to EXTEND A COMPETITIVELY BID CONTRACT with US Distributing, Inc., Denver, Colorado in the amount not-to-exceed \$90,000.00 for AC Delco OEM parts as required by Fleet through October 31, 2023. B-4535**

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

10.f. **Life Technologies**

Consideration to AWARD A SOLE SOURCE CONTRACT to Life Technologies Corporation, a division of Thermo Fisher Scientific, Grand Island, New York in the amount of \$249,628.82 for DNA Laboratory Supplies and Instrument Service Agreement for the Unified Metropolitan Forensic Crime Lab

Tim Dufour, Lieutenant, Police / David Lathers, Senior Assistant City Attorney

10.g. **Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Colorado Barricade Company, Denver, Colorado in the not-to-exceed amount of \$86,000.00 for rental of barricade equipment required through July 31, 2023.**

Mike Mills, Manager of Water Operations & Maintenance / David Lathers, Senior Assistant City Attorney

10.h. **Consideration to AWARD A SINGLE SOURCE CONTRACT to Gear Wash Bunker Gear Cleaners, Medina, Ohio in the not-to-exceed amount of**

\$131,700.00, for inspection, cleaning, and repair of Fire Bunker Gear PPE, as required through March 31, 2023.

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

- 10.i. **Consideration to AWARD A SINGLE SOURCE CONTRACT to Fast Hosting Services, LLC Centennial, Colorado in the amount of \$609,000.00 for GenTax Tax Management Software annual subscription for Finance through September 30, 2023.**

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

- 10.j. **Consideration to AWARD A SINGLE SOURCE CONTRACT to SCS, Inc, Arvada, Colorado in the amount of \$284,766.00 for the Restroom Modification for Fitzsimons 623 Day Resource Center; Project 5871A.**

Waiver of reconsideration is requested due to the urgency to start construction to avoid winter service hardships to the homeless community. It is critical to get the Contractor under contract as quickly as possible.

Haven Cassidy, Principal Engineer, Public Works / Dave Lather, Senior Assistant City Attorney

- 10.k. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Computer Sites, Inc., Denver, Colorado in the not-to-exceed amount of \$143,538**

Lynne Center, Deputy Director, Public Works Operations / Dave Lathers, Senior Assistant City Attorney

Motion by Gardner, second by Lawson to approve the consent calendar items 10a through 10k.

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

11. **RESOLUTIONS**

- 11.a. **Water Conservation Memorandum of Understanding**

R2022-170 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF A MEMORANDUM OF UNDERSTANDING BY AND AMONG COLORADO RIVER BASIN MUNICIPAL AND PUBLIC WATER PROVIDERS REGARDING WATER CONSERVATION ACTIONS

Waiver of reconsideration request due to the urgency of the nature of memorandum.

Marshal Brown, General Manager, Aurora Water / Rachel Allen, Client Group Manager, Attorney

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

Mayor Coffman stated that Aurora and Aurora Water are leading to achieving the goals of the MOU and listing other water departments and utilities to convince their respective elected bodies. He added it is an effective way to show leadership and expand conservation within and without Colorado. Mayor Pro Tem Bergan echoed this and highlighted the importance of conserving water. She mentioned that during the water workshop, it was illustrated that the lower basin states are not doing enough to conserve water despite their increased water usage. She mentioned that she hopes Congress will urge the lower basin states to sign onto water conservation as well.

CM Zvonek asked if there are corresponding efforts to address agricultural use. M. Brown answered that there are conversations and efforts with the agricultural community. CM Zvonek then asked if there are other actions to take to put pressure on whether it is the state of Colorado or other states to address the agricultural challenge. M. Brown remarked that there are other actions such as demand management programs that deal with efficiencies in agricultural spaces.

Mayor Coffman said that the way Colorado's water law is written does not incentivize efficiencies. He also mentioned that with the Colorado River being stressed, agriculture would be forced with cutbacks in their water allocation to upgrade through lining ditches and other efficiency measures. He added that Aurora previously purchased an agricultural water right and leased back enough to continue agricultural production while consuming the difference for residents.

CM Coombs commented that she will be giving a synopsis at the October 19th Water Policy Committee.

Motion by Bergan, second by Sundberg to approve item 11a with a waiver of reconsideration.

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

11.b. Tax Rebate Agreement – Communication Test Design, Inc

R2022-171 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING THE EXECUTION OF THE TAX REBATE AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO ("CITY") AND COMMUNICATION TEST DESIGN, INC, ("CTDI" AND THE "TAXPAYER")

Chad Argentar, Senior Project Manager / Rachel Allen, Client Group Manager, Attorney

Chad Argentar provided a summary of this item.

Mayor Pro Tem Bergan asked if there is a provision if they do not abide by their agreement to repay. C. Argentar responded that there is, and all of the agreements have clawbacks that are based on a percentage of the jobs relative to what they have based on the schedule in the agreement.

CM Marcano noted the the average salary will be \$41,130. He mentioned that an individual needs about \$51,000 to afford a market rate one-bedroom apartment in Arapahoe County without being cost-burdened. He asked if it is a decent salary worthy of this incentive. Yuri Gorlov replied that the average wage of the project is \$41,000 and that those programs and the ability to hire individuals at entry level will allow them to have advanced positions with salaries that are \$80,000 and above.

CM Marcano asked what the floor for a salary on this is. Y. Gorlov said that the floor is around \$20 an hour. CM Marcano stated that Arapahoe County requires \$26 to \$30 for a one-bedroom apartment.

Mayor Coffman stated that he fails to see how this warrants a taxpayer subsidy. He mentioned that they are giving subsidies to businesses, but later have to subsidize the jobs indefinitely. Mayor Pro Tem Bergan asked if employees are not forced to work in Aurora and that they chose that job at that wage and benefits. C. Argentar confirmed this.

CM Coombs stressed the council must support policies that lead to housing that people can afford without subsidy. CM Coombs mentioned that they are frequently incentivizing individuals to go into industries that are high-skilled, but only highly skilled individuals can get them. She also said that they need to give support to individuals entering the workforce in low-wage jobs to ensure they could progress in their work and careers. She highlighted the importance of rethinking the types of development that the Council supports with respect to housing. She added that they are doing a disservice to the people that most need housing in the community if they continue to support expensive housing developments.

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

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

Voting Nay: Marcano

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

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

14. **INTRODUCTION OF ORDINANCES**

14.a. **Retail Theft Ordinance**

2022-47 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS OF THE CITY CODE PERTAINING TO MANDATORY MINIMUM SENTENCES FOR "RETAIL THEFT" IN THE AURORA MUNICIPAL CODE TO COMBAT THE INCREASE IN ORGANIZED RETAIL THEFT AND RELATED OFFENSES

Sponsor: Danielle Jurinsky, Council Member

Cassidee Carlson, Division Chief, Police / Pete Schulte, Public Safety Client Group Manager

Council heard public call-in testimony.

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

CM Marcano asked why there is not a fiscal note attached to the ordinance. P. Schulte replied that they are already prosecuting the offenses under the theft standard. He clarified that the ordinance simply puts a minimum sentence. He said that he doesn't know if staff outside of his office can do a fiscal note since this is something new to be defined. CM Marcano asked if thefts in the city, the value of the amount stolen, and the court costs are currently not tracked. Moreover, he mentioned that it is unknown how much three days in jail will cost the city. P. Schulte said that the reason three days were chosen was that it can be done in the detention facility while anything above that would have to be at the county jail. He also mentioned that they track how many cases of theft are prosecuted and the court costs. He said that if the ordinance passes, then they will have a clear definition of retail theft which can be specifically tracked.

CM Marcano said that it is troubling that there is no cost estimate beforehand. He stated that there should be a database or records to create an estimate. Mayor Coffman agreed and said that all legislative bodies do estimates. He mentioned that there should be fiscal notes on all ordinances moving forward.

CM Jurinsky remarked that the jail has minimized costs. She mentioned that those in jail stay in their own clothes. She said that this crime also puts costs on the business owner. CM Jurinsky highlighted that the council represents the business owners and not the criminals. She stressed that the message that they are trying to put forward is that if someone commits theft in Aurora, then they will go to jail.

Mayor Pro Tem Bergan agreed with CM Jurinsky and commented that there is also a fiscal impact on small business owners who also employ people. She expressed her support for the ordinance. She highlighted that the ordinance specifies a hefty amount of over \$300.

Mayor Coffman expressed his support for the ordinance. However, he clarified that all proposals that come forward should have a fiscal note. CM Coombs remarked that according to the Council Rules, every proposal must come with a fiscal note or financial analysis. However, this rule is not followed. She mentioned that she and CM Marcano will be bringing forward a proposal to clarify this rule. She stated that their current debate is not in favor of criminals but ensuring that the city can afford the proposals that they are bringing forward. She said that if they will simply spend

money or approve ordinances without knowing the cost, they might eventually have to cut or charge more for services offered to residents to carry the cost.

CM Lawson asked if juveniles would be covered within the 18th judicial system. P. Schulte replied that it would. CM Lawson then asked how the restorative justice program would be applicable. P. Schulte remarked that any programs that apply to juveniles for any other offense would apply. However, this ordinance refers to only adults that commit theft in the city.

CM Marcano asked if a diversion program with electronic monitoring, work requirement, or job training requirement instead of incarceration has been considered. He said that diversion programs are much more effective in terms of outcome and cost. These hold people accountable and make them a productive member of the community as opposed to placing them in jail for three days and releasing them into the same situation they were in before. He also mentioned that he talked with the Sheriff who said that the ordinance would not be a good use of the resources compared to what the county does. CM Jurinsky said that she did not consider this. She stressed that it is time to start putting criminals in jail and added that it would only be a minimal cost. She added that the Sheriff has nothing to do with the ordinance, since this is under the municipal jail.

CM Coombs questioned if restitution to the businesses would be more helpful. CM Jurinsky answered that sentenced criminals would still be ordered to pay restitution and that the three-day mandatory minimum is only added.

Motion by Jurinsky, second by Sundberg to approve item 14a.

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

Voting Nay: Coombs, Marcano, Medina

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. **Enacting Section 138-191 of the City Code Pertaining to the Use of Turf and Ornamental Water Features**

2022-46 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ENACTING SECTION 138-191 OF THE CITY CODE PERTAINING TO THE USE OF TURF AND ORNAMENTAL WATER FEATURES

Sponsor: Mike Coffman, Mayor

Marshall Brown, General Manager, Aurora Water / Ian Best, Assistant City Attorney

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

Motion by Coffman, second by Bergan to approve item 15a.

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

15.b. Keeping of Domesticated Ducks in Residential Areas

2022-48 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 14-134 AND 14-135 OF THE CITY CODE PERTAINING TO THE KEEPING OF DUCKS IN RESIDENTIAL AREAS

Augusta Allen, Field Supervisor of Animal Services / Angela Garcia, Senior Assistant City Attorney

A. Youngblood provided a summary of the item.

CM Gardner commented that it does not make sense to approve this item after limiting water usage for turf and ornamental water features, given that ducks would also require increased water usage. He also mentioned that there are not enough code enforcement officers.

Mayor Pro Tem Bergan asked how to enforce it and if there are enough code enforcement officers. A. Youngblood answered that code enforcement and animal services are different functions. He replied that animal service officers will be the ones to respond. He added that the number of complaints they will get will be based on how many people apply for the permit. He mentioned that they will be requiring a large amount of water for the ducks from April to October. Mayor Pro Tem Bergan asked if there were many complaints about the chickens when the ordinance passed. A. Youngblood remarked that they did in the beginning, but it became less over time.

CM Marcano asked if the amount of water required for the ducks is the size of a kiddie pool. A. Youngblood confirmed that would be sufficient, but it depends on how often they change it and how much water is used.

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

Voting Aye: Bergan, Coombs, Lawson, Marcano, Medina, Zvonek

Voting Nay: Gardner, Jurinsky, Sundberg

16. PLANNING MATTERS

17. **ANNEXATIONS**

18. **RECONSIDERATIONS AND CALL UPS**

19. **GENERAL BUSINESS**

20. **REPORTS**

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

Mayor Coffman remarked about the town meeting last Saturday at the North Branch Library. He commented that there was a great presentation by Aurora Police Department about the DART program.

Mayor Coffman read the Land Acknowledgement.

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

CM Sundberg announced that his Town Hall will be held on Thursday to discuss the plume from the Lowry Superfund site, PFAS, and the longevity of DADS landfill. He congratulated Aurora TV for winning 12 awards. He also mentioned that he visited the Aurora Animal Shelter, which was overflowing with animals that had been surrendered. But, after publicity, the numbers were reduced. He added that he attended the African Leadership Group Gala and the African American Youth Leadership Council.

CM Medina mentioned that his previous town hall in which they talked about traffic issues, safety, and community was well attended. He mentioned that they will do community walks working with the APD and he will be doing a police recruitment event in his Ward. He added that he went to the Restoration Outreach Program event, which had its first inaugural 5k. He mentioned they got together with neighborhoods in Center Park and had a Capture-the-Flag event.

CM Marcano thanked Representative Iman Jodeh and Erin Pilnyak with IntegrAssure for attending the last board meeting. He also thanked the other council members that signed up to visit Houston later in the week to see how they housed 25,000 people over the last decade. He thanked Commissioner Nancy Jackson, Commissioner Ava Henry, Councilmembers from Denver, and staff from Arapahoe County, Adams County, and Denver who are joining the trip. He announced that the next Ward IV meeting will be on October 13th at 6:30 p.m. at the Colorado Early Colleges to talk about the Houston trip and transportation infrastructure changes to improve safety.

CM Coombs stated that there will not be a Ward V meeting. She mentioned that a Council budget presentation from the Citizens' Advisory Budget Committee, Citizens' Water Advisory Committee, and Housing and Community Development Committee will take place next Tuesday at 5 p.m. DRCOG held a board meeting to discuss changes on the Metro Vision Regional Transportation Plan to comply with the greenhouse gas reduction goals set by the state. She mentioned they looked at amendments to the transportation improvement plan. She also stated that she

attended the Arapahoe County Share Back Ceremony for the funds that the city receives for open space and parks from the county sales tax to provide funding.

Mayor Pro Tem Bergan remarked that she attended the Colorado Remembers 9/11 Event. She also attended the E-470 Board Meeting where they approved a mineral lease, and contracts, and had a presentation from the IT department. E-470 had its annual fundraiser for the foundation and raised \$63,000. She attended the Opioid Region Nine Governance Committee and was elected as Vice Chair. She announced that her Ward Town Hall will be on Wednesday from 6 to 8 p.m. at Heritage Eagle Bend Clubhouse. It will feature a CPR demonstration and a presentation from the Aurora Fire Rescue.

CM Lawson stated that the Senate and House returned from the August recess. The fiscal year ends on September 30th and leadership is negotiating a CR to extend to early to mid-December to avoid a government shutdown on October 1st. Aurora has two requests included in the House Appropriations Package and will make it into the final bill. She thanked everyone that attended the At-Large August 25th meeting. CM Lawson also thanked city staff for the water workshop.

CM Gardner thanked the Denver Metro Chamber of Commerce for hosting their annual meeting at the Gaylord of the Rockies. He then congratulated the incoming leadership team.

CM Jurinsky extended condolences to Officer Dylan Vakoff, Arvada Police Department, and the Arvada City Council.

CM Zvonek had no reports.

21. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of the City Council.



MIKE COFFMAN, MAYOR

ATTEST:



KADEE RODRIGUEZ, CITY CLERK



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