

MINUTES

Regular Meeting of the Aurora City Council Monday, December 19, 2022

1. **RECONVENE REGULAR MEETING OF DECEMBER 19, 2022, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of the City Council for December 19, 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 the prayer for the Regular Meeting.

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated that during the executive session, the council discussed two mineral lease negotiations.

Mayor Coffman read the Land Acknowledgement.

6. **APPROVAL OF MINUTES**

6.a. **November 28, 2022, Meeting Minutes**

Motion by Sundberg, second by Bergan, to approve the minutes of November 28, 2022 as presented.

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

6.b. **December 5, 2022, Meeting Minutes**

Motion by Bergan, second by Coombs, to approve the minutes of December 5, 2022 as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

7.a. **Animal Services – Animal Showcase**

Anthony Youngblood, Manager of Animal Services

Staff presented Bubbles, a friendly dog with an amputated leg, who needs a good home to provide him with his needs and the right care.

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.

CM Marcano asked for an update on the reimbursements for victims of motor vehicle theft. J. Batchelor stated that Council provided funding of \$1 million to offset towing and storage costs for motor vehicle theft victims. The city is in the process of implementing the program with the funding being available in 2023.

9. **ADOPTION OF THE AGENDA**

Motion by Marcano, second by Coombs 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 AN OPENLY SOLICITED CONTRACT with Black & Veatch Corp, Denver, CO in the amount of \$95,958.00 to provide Additional Final Design Services and Services During Construction for the Murphy Creek Interconnection Vault Project**

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

10.b. **Consideration to AWARD A SINGLE SOURCE CONTRACT to Niquito's, Aurora, Colorado in the Not-to-exceed Amount of \$90,000.00 for Delivery**

of Prepared Food and Other Food Items to the Aurora Detention Center through December 31, 2023

Lance Alexander, Detention Administrator / David Lathers, Senior Assistant City Attorney

- 10.c. **Consideration to EXTEND AN OPENLY SOLICITED CONTRACT with J Street Technology, Inc., Redmond, WA in the not-to-exceed amount of \$172,829.00 for Professional Services on the City's Budget Management System through December 31, 2023. (R-2086)**

Jackie Ehmann, Budget Program Manager / Dave Lathers, Senior Assistant City Attorney

- 10.d. **Annual Subscription to Sierra Integrated Library and Related Software Systems**

Consideration to AWARD A SOLE SOURCE CONTRACT to Innovative Interfaces Inc., Emeryville, California in the Amount Not-to-exceed \$192,427.31 for the 2023 Annual Subscription Fees for the Sierra Integrated Library and Related Software Systems.

Matthew Kipp, Financial Supervisor / Dave Lathers, Senior Assistant City Attorney

- 10.e. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Morton Electric Inc., Pueblo, CO in the amount of \$2,992,653.59 for the HSIP Traffic Signal; Project 5886AB**

A waiver of reconsideration is requested because traffic signal materials and equipment are currently experiencing lead times in excess of six (6) months. It is critical to get this project under contract to allow the contractor time to order the materials and equipment as soon as possible and complete construction of the traffic signals within the 2023 calendar year.

Carlie Campuzano, Manager of Traffic, Public Works / Dave Lathers, Senior Assistant City Attorney

- 10.f. **Consideration to AWARD A SOLE SOURCE CONTRACT to the 18th Judicial District Juvenile Assessment Center, Centennial, Colorado in the Not-to-exceed Amount Of \$213,057.00 for Services to Delinquent And At-Risk Juveniles through December 31, 2023.**

Christopher Juul, Police Division Chief / David Lathers, Senior Assistant City Attorney

- 10.g. **Consideration to Authorize the Senior Risk Manager to Expend Funds for City's Insurance Program**

A waiver of reconsideration is requested as the insurance policies have to be bound by 12/30/2022 as coverage renews on 1/1/23. Premiums are due within 30 days of renewal, which is the end of January. Any delay in approvals could cause the city to have a gap in insurance coverage.

Renee Pettinato Mosley, Senior Risk Manager / Dave Lathers, Senior Assistant City Attorney

- 10.h. **Consideration to AWARD A SINGLE SOURCE CONTRACT to ForceMetrics, Inc., Denver, CO in the amount of \$250,000.00 for ForceMetrics Public Safety Analytics Platform One Year Subscription.**

Staff requests a waiver of reconsideration in order to encumber funds in 2022.

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

- 10.i. **Consideration to AWARD A CHANGE ORDER to an Openly Solicited Contract to Computer Enterprises, Inc., Pittsburgh, PA in the Not-to-exceed Amount of \$325,000.00 for IT Contract Technical Services Personnel through April 30, 2023. (R-1948)**

Staff requests a waiver of reconsideration as current funding is on track to be depleted after the vendor's November monthly invoice and the need to continue with current contracted personnel.

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

- 10.j. **Consideration to AWARD A CHANGE ORDER to an Openly Solicited Contract to The Ash Group, Denver, CO in the Not-to-exceed Amount of \$240,000.00 for IT Contract Technical Services Personnel through April 30, 2023. (R-1948)**

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

Motion by Bergan, second by Lawson to approve the consent calendar items 10a through 10j.

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

11. **RESOLUTIONS**

11.a. **Civil Service Commission Hiring Resolution**

R2022-236 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO SETTING FORTH ITS DESIRE TO PURSUE A RESULT THAT WOULD MOVE

- ◆ *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.*

THE HIRING PROCESS OF AURORA FIRE RESCUE AND AURORA POLICE BASIC ENTRY-LEVEL EMPLOYEES TO THE HUMAN RESOURCES DEPARTMENT IN COORDINATION WITH AURORA FIRE RESCUE AND AURORA POLICE BY DIRECTING THE CITY MANAGER TO WORK COOPERATIVELY WITH THE AURORA CIVIL SERVICE COMMISSION TO AMEND THE COMMISSION'S RULES AND REGULATIONS.

Sponsor: Dustin Zvonek, Council Member

Jason Batchelor, Deputy City Manager / Julie Heckman, Deputy City Attorney / Pete Schulte, Public Safety Client Group Manager, City Attorney

Speakers: Police Department Representative / Fire Rescue Representative / Civil Service Commission Representative / Consent Decree Monitoring Team Representative

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

CM Bergan mentioned that the Chair of the Civil Service Commission (CSC) said that these changes are already in place and that they understand the importance of meeting the deadline. P. Schulte said that the report put out by the consent decree monitor provided an avenue to change the rules. However, it took away mandatory disqualifiers for the AFR and APD candidates which would still give the CSC a lot of files to review. He added that it did not let the departments have a more active role, but it was more collaborative. He stressed that the proposed resolution would continue this process.

Mayor Pro Tem Gardner said that the resolution simply directs the City Manager to work with the CSC and HR department to come into compliance with the consent decree. However, some are also stating that the changes made by the CSC do not match the resolution. He pointed out the resolution does not prescribe anything. CM Zvonek said that the consent decree required that HR and public safety departments have a greater involvement and the final say in the hiring process.

CM Coombs asked if this is a foregone conclusion since they are already set to make further changes. CM Zvonek pointed out that the changes were not happening according to the consent decree monitor presentation. He stressed that they should look at all opportunities to reach sufficient compliance. He pointed out that the CSC was initially resistant to the changes but has now started making them. He added that the resolution also requires regular updates to Council.

CM Marcano stated that the CSC has been working in good faith with the Consent Decree Monitor and staff representatives. He expressed support for the direction. However, he pointed out that the changes being made are due to the commissioners and staff understanding their responsibilities and undertaking their tasks, but not due to the proposed resolution.

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

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

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

11.b. **Rules of Order and Procedure: Council Meeting Start Time**

R2022-237 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO MODIFY THE RULES OF ORDER AND PROCEDURE FOR THE AURORA, COLORADO, CITY COUNCIL REGARDING THE START TIME FOR REGULAR CITY COUNCIL MEETINGS

Sponsor: Curtis Gardner, Council Member

Dan Brotzman, City Attorney / Jack Bajorek, Deputy City Attorney

Council heard public in-person and call-in testimony.

Mayor Pro Tem Gardner provided a summary of the item.

Mayor Pro Tem Gardner highlighted that there are residents that do not work an 8 to 5 job. He pointed out that city staff work all day, must stay until the Regular meeting finishes, and must be back at work at 8 AM the next day. He added that Aurora has a longer public comment period compared to most cities in Colorado. He mentioned that City Council can be contacted through other ways other than Public Invited to be Heard.

CM Marcano agreed that they should respect staff time. He asked if Mayor Pro Tem Gardner considered working with management to craft a comp time policy as opposed to changing the meeting times. He mentioned that there are concerns from constituents who will be burdened by this change and that it may interfere with current and future council members' schedules. Mayor Pro Tem Gardner answered that city staff does not have the opportunity to come in later in the day despite the previous night's meeting ending at 12 AM or later. He added that it is also disrespectful to residents that have to wait late in the night to comment on issues affecting their community.

CM Jurinsky asked if there is a way to find a middle ground. She suggested moving Public Invited to be Heard after the consent calendar. Mayor Coffman said that is a policy that the Council must decide on. CM Bergan clarified that CM Jurinsky is asking for legal advice. Mayor Coffman said that it is simple and could of course be done. D. Brotzman said that it could be done, and the next agenda item will be addressing this issue. CM Coombs called for a point of order regarding decorum. She highlighted that it is not appropriate to insult someone for asking a question. She expressed support for CM Jurinsky's proposal.

Mayor Coffman asked if this change can be done as an amendment to the resolution. D. Brotzman stated that Item 11c would be a more appropriate agenda item to discuss changing the Consent Agenda calendar.

Mayor Pro Tem Gardner considered CM Jurinsky's proposal as a friendly amendment to Item 11c as it would be more appropriate.

CM Coombs expressed concern that residents may have a hard time commenting on items in the consent calendar if Public Invited is moved after the consent calendar. She

mentioned that constituents have reached out to her stating that they do not support moving the meeting time earlier. Mayor Pro Tem Gardner said that he has also had constituents stating that they do not appreciate waiting until late in the evening to comment on development issues.

CM Lawson pointed out that they are taking away people's voices. She mentioned that they have already condensed Public Invited to be Heard and are having conversations about moving the meeting to an earlier time and getting rid of the call-in line. She mentioned that residents may prefer speaking during the meetings to address the full Council and let the public know what is going on in the community. She added that this may also be a hindrance for those thinking of running for office in the future. She expressed her opposition to moving the meeting to 6 PM instead of the current 6:30 PM.

CM Bergan requested to table the item to get more input from constituents.

Motion by Bergan, second by Coombs to table item 11b to the next Regular Meeting.

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

Voting Nay: Gardner, Zvonek

11.c. **Rules of Order and Procedure: Parliamentary Procedures**

R2022-238 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO AMEND THE RULES OF ORDER AND PROCEDURE FOR THE AURORA, COLORADO, CITY COUNCIL REGARDING THE PARLIAMENTARY PROCEDURES, ORDINANCES, RESOLUTIONS AND AMENDMENTS

Sponsor: Curtis Gardner, Council Member

Dan Brotzman, City Attorney / Jack Bajorek, Deputy City Attorney

Council heard public in-person and call-in testimony.

CM Bergan asked to confirm that there is still an opportunity for the public to comment on the items and an opportunity for Councilmembers to pull items off the consent calendar. Mayor Pro Tem Gardner confirmed this. He added that this does not change that Aurora has allowed unlimited public comment on agenda items. He explained that this resolution puts resolutions and appointments to boards and commissions under the consent calendar. CM Jurinsky expressed her support for the resolution. She noted that a member of the public can reach out to Councilmembers before the meeting to ask for an item to be pulled from the agenda. She added that there were previous instances that the meeting has gone on until midnight because they had to discuss items or listen to presentations that could have been passed on a consent calendar.

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CM Coombs asked if an item would get pulled off the consent calendar if someone submits a speaker slip on it. Mayor Pro Tem Gardner said yes. CM Coombs expressed appreciation for Mayor Pro Tem Gardner for improving the resolution. She pointed out that this version does not have the ordinances in consent to allow for a first reading and removed the deadline for pulling the items. She mentioned that the items being put on consent are those that are passed unanimously such as appointments, ordinances on their second reading that were already passed unanimously, and resolutions. She added that his resolution enables better participation and allows people to have more time to talk about issues.

CM Marcano clarified that this resolution does not have a direct connection to the cessation of a public comment line. He mentioned that several have expressed dissatisfaction with the city manager about ending the \$ 2,000-a-month contract that maintains the public comment line. He said that this is something that they can do in-house to allow residents to participate remotely. He urged city management to preserve this service.

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

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. **6th Avenue and Airport Boulevard Zoning Map Amendment**

2022-74 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING A PARCEL OF LAND MEASURING 22-ACRES, MORE OR LESS, AT THE NORTHEAST CORNER OF 6TH AVENUE AND AIRPORT BOULEVARD FROM MIXED-USE CORRIDOR ZONE DISTRICT (MU-C) TO BUSINESS/TECH ZONE DISTRICT (I-1) AND AMENDING THE ZONING MAP ACCORDINGLY (6TH AVENUE AND AIRPORT BOULEVARD ZONING MAP AMENDMENT)

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

Mayor Coffman opened the public hearing.

Jeannine Rustad, Director of Planning and Development Services provided a summary of the item.

Mayor Coffman closed the public hearing.

Motion by Gardner, second by Coombs to approve item 12a.

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

12.b. **Text Amendment to the UDO Regarding Zoning Designation of Data Centers**

2022-75 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 146 OF THE CITY CODE TO CREATE A DEFINITION FOR DATA CENTERS AND TO ALLOW DATA CENTERS AS A CONDITIONAL AND PERMITTED USE IN INDIVIDUAL INDUSTRIAL ZONING DISTRICTS

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

Mayor Coffman opened the public hearing.

Jeannine Rustad, Director of Planning and Development Services provided a summary of the item.

Mayor Coffman asked if data centers could have a second level that would create a greater density of employees. J. Rustad said that data centers would have to meet the parking requirements for both uses if they have something other than a data center on the second level. D. Money said that it would be reasonable. He mentioned that data centers are mostly one-level.

CM Bergan asked if the data center is located next the Buckley. Mayor Coffman explained that they are talking about a UDO change. D. Brotzman clarified that the UDO change is for the zoning designation of data centers in general, and not specific to one.

Mayor Coffman closed the public hearing.

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

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

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

14. **INTRODUCTION OF ORDINANCES**

14.a. **First-Lien Sewer Revenue Bonds - Series 2023**

2022-76 AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE BY THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, OF FIRST-LIEN SEWER REVENUE BONDS (PIPELINE / INTERCEPTOR PROJECT), SERIES 2023, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$46,000,000, FOR THE PURPOSE OF FINANCING, IN WHOLE OR IN PART, THE COST OF ADDITIONS AND IMPROVEMENTS TO THE SEWER SYSTEM OPERATED BY THE UTILITY ENTERPRISE,

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PLEDGING CERTAIN FUNDS AND REVENUES OF THE ENTERPRISE TO THE PAYMENT OF SUCH BONDS, PRESCRIBING THE FORM OF SUCH BONDS, AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH

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

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

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

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

14.b. Occupational Privilege Tax

2022-77 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REPEALING ARTICLE V "EMPLOYER OCCUPATIONAL PRIVILEGE TAX" AND ARTICLE VI "EMPLOYEE OCCUPATIONAL PRIVILEGE TAX" OF CHAPTER 130 OF THE CITY CODE OF THE CITY OF AURORA, AND OTHER RELATED MATTERS

Sponsors: Danielle Jurinsky, Council Member / Mike Coffman, Mayor Hanosky Hernandez, Senior Assistant City Attorney

Council heard public call-in testimony.

CM Jurinsky and Mayor Coffman provided a summary of the item.

CM Bergan stressed that she does not want to have critical services cut. She expressed support for the ordinance since it will not be effective until 2025 and the council still has time to reevaluate the budget and incorporate new growth. CM Coombs stressed that this ordinance takes money out of the budget. She asked how they can say that the city can afford to take out \$6 million when they choose to cut services during budget workshops or take out debts to provide much-needed services. She added that there will be more employees in the city by 2025, meaning that the \$6 million amount will grow. She expressed opposition to the ordinance and highlighted the billions of dollars of unfunded infrastructure needs in the city. She mentioned that the \$24 dollars spent by both employer and employee could be spent by the city in a coordinated and beneficial way.

Mayor Coffman reiterated that they could delay or repeal the tax cut if the revenue increase does not materialize. He disagreed that this ordinance would lead to any cuts in government services. CM Zvonek stressed that the proposed ordinance is giving back people their money which they can spend on consumable goods and sales tax that will still come back to the city. He added that it may reduce the revenue increase, but it doesn't mean that there will be any cuts. He stressed that they should start to eliminate bad tax. He stressed that they can still change course at any point in time.

CM Marcano mentioned that the conservative majority on the council has previously accused staff of making policy decisions for the Council. However, this ordinance directs staff to make policy decisions. He stated that it should be those interested in reducing revenue who are responsible for determining what programs and services they want to be cut. He mentioned that residents have asked for recreational centers, safer streets, and to address childcare needs, but the proposed ordinance will make these targets more difficult to reach. He mentioned that the Budget Manager stated that costs are going to increase in the city due to inflation, increased demand for services, and continued sprawl. He pointed out that Aurora has previously cut public services and has a growing infrastructure backlog. He added that the \$2 tax for every employer and employee does not keep people from coming to Aurora. But it is the lack of affordable housing, childcare, etc. He urged a no vote on the proposed ordinance.

CM Jurinsky mentioned that Aurora provides more golf courses and recreation centers than Colorado Springs which has a larger population. She stressed that the city goes above and beyond with vacancy savings. She stated that they should stop trying to scare the public that they will lose services. She highlighted that this tax affects the service industry and those working more than one job. She said that residents are paying the \$2 tax per month per job which is double taxing. CM Jurinsky worked with R. Lantz to stop double taxing of her and CM Sundberg. She highlighted that if the OPT is being taxed correctly, then it would not be a \$6 million budget cut. She commended CM Zvonek for finding a way to have a road maintenance plan without creating another tax. She stated that the OPT was not voted on by the people in the first place.

CM Coombs explained that vacancy savings come from job vacancies that lead to employees doing the jobs of two or three people. This will result in burnout and resignations due to excessive workload. She said that it is irresponsible to rely on vacancy savings instead of finding a way to stop having vacancies. CM Jurinsky stated that the way to generate revenue is with business growth, economic growth, and attracting more businesses and jobs. A head tax on the backs of businesses and workers in Aurora will not achieve this.

CM Murillo stated that Aurora has been awarded for being a well-financially managed city due to the diversification of revenue streams. She said that the ordinance will consolidate the city's reliance on revenues from sales tax. She added that the ordinance was brought forth late in the budget conversation and they are yet to identify where the missing \$6 million will come from. Instead, they started eliminating positions in the Office of the Independent Monitor and DEI. She expressed opposition to the proposed ordinance.

Mayor Coffman pledged that he would put forward an amendment that will delay the start of implementation if the revenue is not available.

Mayor Pro Tem Gardner agreed that staff should not be given policy-making direction. However, this ensures that the policymaking direction with the budget stays with City Council as the one who will approve it. He stressed that double taxation should be corrected regardless of whether the ordinance passes or not. He asked what amount of the revenue is received from double taxation. CM Jurinsky explained that a form taken

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from the OPT page on the city's website must be printed and taken to the secondary employer to be filled out. Then, the secondary employer must communicate with the primary employer to notify them that they no longer have to take the tax out of the paycheck. She added that they do not know how much revenue is received from double taxation. J. Batchelor explained that they do not track tax by a unique employee identifier but by gross numbers of employees per employer to keep tax administratively simple.

CM Bergan mentioned that they have always had excess revenues from the general fund and marijuana tax revenues. She reiterated that they have the right to repeal the ordinance should there be a recession. She mentioned that as the population grows, more housing is added, leading to more sales tax and use tax from building materials. She stated that TABOR allows Colorado residents to have the right to give input on tax increases.

CM Lawson mentioned that she forwarded an alternative proposal during the study session that cuts \$1.2 million from the budget instead of the proposed \$6 million. She added that she also proposed the \$1.2 million go to medians or to businesses instead of simply taking money out of the budget. She said that they have excess money due to COVID funds. Despite the expected increase in population and a resulting increase in use tax, there will also be an increase in the needs and services they must meet for residents. With this, there is a potential to cut some services. She added that taking \$6 million out of the budget is fiscally irresponsible and they are tying the hands of future councils. She expressed opposition to the proposed ordinance.

Mayor Coffman reiterated that the Council may revisit this any time prior to January 1st, 2025. He explained that it provides direction to staff to aggregate a 4% cut to various departments excluding public safety and transportation-related spending.

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

Motion by Coffman, second by Zvonek to end debate.

Voting Aye: Mayor Coffman, Bergan, Gardner, Jurinsky, Murillo, Sundberg, Zvonek

Voting Nay: Coombs, Lawson, Marcano, Medina

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

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

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

15. **FINALIZING OF ORDINANCES**

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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 t Harvest Mile Initial Zoning 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**

17.a. **Consideration of an Amended and Restated Annexation Agreement Between the City of Aurora, Colorado and Sun Empire One, LLC and Sun Empire Venture, LLC**

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

Outside Speaker: Joe Swensson, Director, Real Estate Development | Opus Development Company, LLC

Jacob Cox, Manager of Development Assistance, provided a summary of the item.

CM Coombs asked why there hasn't been anything done other than zoning or adding a metro district in the time that the annexation agreement was in place. J. Cox answered that the land was annexed in the 90s and was further away from the infrastructure. Currently, it is more conducive to development. CM Coombs asked why it was allowed to be annexed but did nothing for 30 years when the land would otherwise be agricultural land. She asked if they are continuing to do this for current annexation agreements. J. Cox said no. He explained that recent annexations are specific. He mentioned that it does not necessarily put the city in a bad position to have the land in the city's jurisdiction for a commercial master plan.

CM Marcano stressed that they should not be supporting or encouraging annexing land into the city and zoning it to increase the value and costs of development of the land which essentially benefits the landowner despite them not being the interested party for development. He asked what the benefit would be to allowing this to happen. He added that they should instead support applications with a plan in place. J. Cox said that there is a current master plan and a site plan in process for the land and it is moving forward with development. He explained that they are amending this agreement to help guide the development in terms of following the city's model.

Mayor Coffman said that a developer can still go forward with the plans while the area is looking to be annexed by the city. However, they cannot do much until the water infrastructure is in place. CM Coombs noted that they have agreements around reimbursing entities for water infrastructure when they want to build ahead of the city. She expressed disappointment in annexation agreements in the 90s and stated that Council subsidized land speculators without immediate benefit to the city. She commented that she is glad that the staff is doing something now.

Mayor Coffman asked where the land is. J. Cox answered that it is further West and adjacent to the Porteos Industrial District. Mayor Coffman stated that it requires a certain mass of development to make an efficient and effective water system. He added that they cannot simply extend out and have the city reimburse them. J. Cox mentioned that the proposed development is well set up with infrastructure.

Motion by Gardner, second by Bergan to approve item 17a.

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

18. **RECONSIDERATIONS AND CALL UPS**

19. **GENERAL BUSINESS**

19.a. **Consideration to Appoint Two (2) Members to the Aurora Immigrant and Refugee Commission**

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

Motion by Coombs, second by Medina to appoint Ashvina Patel & Christina Lizardy-Hajbi to the Aurora Immigrant and Refugee Commission.

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

19.b. **2023 City Council Meeting Calendar**

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

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

Mayor Pro Tem Gardner proposed changing the date of the Winter Workshop to January 21st or February 4th. There were no objections to setting the date to February 4th.

Motion by Lawson, second by Bergan to approve item 19b as amended.

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

19.c. **Consideration to APPROVE AN AGREEMENT AMENDMENT to Article Seventeen (17) between the City of Aurora, Colorado, and the Fraternal Order of Police for the years 2023- 2024**

Waiver of reconsideration requested because to finalize this amendment prior to effective date of 2023-24 Agreement with FOP.

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

CM Marcano asked what pyramiding of overtime is. J. Batchelor stated that employees only get paid once for the time worked to avoid individuals taking advantage of leave policies.

Motion by Bergan, second by Sundberg to approve item 19c with a waiver of reconsideration.

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

20. **REPORTS**

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

None.

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

CM Lawson reported that the Senate will release the \$1.7 trillion FY 2023 spending package. Lawmakers have until Friday to pass the Appropriations Bill, which includes Aurora's earmarks, or another Continuing Resolution. The outcomes of the CML Policy and Executive Committee meetings have been sent to Council. This outlines policy positions taken by CML on legislative issues anticipated during the 2023 session which starts on January 9th. CM Lawson also attended the Shop with a Cop Event and thanked APA and the officers who attended. She wished everyone a Merry Christmas and a Happy New Year.

Mayor Pro Tem Gardner extended his appreciation to the Aurora Police Association for the Shop with a Cop Event. He also attended Story Time with the Grinch at Tallyn's Reach Library. He wished everyone a Merry Christmas and a Happy New Year.

CM Jurinsky echoed sentiments for APA and Shop with a Cop. She also attended Reading with the Grinch and mentioned that it was well attended, and they would need a bigger space next year. She wished everyone a Happy 2nd Night of Hannukah, a Merry Christmas, and a Happy New Year.

Mayor Coffman encouraged everyone to join the lighting of the menorah on December 21st between 5:30 and 7:30 at the Aurora Town Hall.

CM Zvonek wished everyone a Merry Christmas, Happy New Year, and Happy Holidays. He thanked city staff for the work that they have done for the year.

CM Murillo announced that the Black Parents United Foundation will be holding a fundraiser on December 30th from 3 to 7 PM at the Vintage Theater. She wished everyone Happy Holidays and a Happy New Year.

CM Sundberg reported that he attended the Shop with a Cop and commended the big turnout. He also visited Step Denver which is a program that helps men seek sobriety, work, and accountability to become better citizens and rebuild their lives. CM Sundberg also attended Police and Navy Graduation Ceremonies.

CM Medina thanked Chief Acevedo and other officers for talking with Compare Restaurant and Grocer to help set up a table at their business to recruit police officers. They are working on hosting this in January. He wished everyone a Happy Holiday.

CM Marcano announced that the next Ward IV meeting will be on January 12th at Colorado Early Colleges at 6:30 PM. In attendance would be APS Director Dr. Keke, Arapahoe County Commissioner-Elect Leslie Summey, and interim Chief of Police Art Acevedo. He wished everyone a Happy Hannukah, a Merry Christmas, a joyous Kwanzaa, a Happy Festivus, and a Happy New Year.

CM Coombs reported that she and CM Marcano attended the ribbon cutting and grand opening of the first medication-assisted treatment facility in Aurora. They aim to provide medication to individuals that want to become clean of opiates. They operate at a wider range of hours. Other facilities, on the other hand, are only open in the morning and would not be able to provide services to individuals that have returned to work but would end up being addicted again due to having no access to treatment. She wished everyone a Merry Christmas, a Happy Hannukah, a joyous Kwanzaa, and a Happy New Year.

CM Bergan mentioned that she also attended Shop with a Cop with each child having \$200 to spend in Walmart while going around with an officer. She mentioned that she volunteered to help wrap presents at the event. CM Bergan attended the Holiday Tree Lighting and added that she also visited Step Denver and commended the program for having helped multiple individuals with their addiction. She mentioned they have rules in place regarding work requirements. At the E-470 meeting, it was decided to hold the toll rates for 2023 due to inflation and keep them the same as the 2022 rates which were already reduced. She acknowledged that the holidays might be a difficult time for people and encouraged everyone to reach out to those struggling. She wished everyone a Merry Christmas, Happy Hannukah, and Happy Holidays and urged people to spend money in Aurora.

21. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of the City Council.

- ◆ *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.*



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.***