

## MINUTES

### Regular Meeting of the Aurora City Council

Monday, January 9, 2023

1. **RECONVENE REGULAR MEETING OF JANUARY 9, 2023, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of the City Council for January 9, 2023, 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 and followed by reading the Land Acknowledgement.

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

5. **EXECUTIVE SESSION UPDATE**

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

6. **APPROVAL OF MINUTES**

6.a. **December 19, 2022, Meeting Minutes**

Motion by Gardner, second by Bergan, to approve the minutes of December 19, 2022, as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

7.a. **Swearing-in Ceremony of New Associate Judge and Relief Judges**

Presiding Judge Shawn Day and Judge Toussaint lead the Swearing-in Ceremony of reappointed Relief Judges and New Associate Judges.

7.b. **Dr. Martin Luther King, Jr. Week**

Mayor Coffman proclaimed January 9 through 16, 2023 as Dr. Martin Luther King, Jr. Week.

7.c. **Holocaust Remembrance Day**

Mayor Coffman proclaimed January 27, 2023, as Holocaust Remembrance Day

Mayor Coffman invited Holocaust survivors to share their experiences.

7.d. **Human Trafficking Awareness and Prevention Month**

Mayor Coffman proclaimed the month of January as Human Trafficking Awareness and Prevention Month.

Mayor Coffman recognized CM Lawson as the front and center on this issue in the City Council.

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.

9. **ADOPTION OF THE AGENDA**

Motion by Gardner, second by Bergan to adopt the agenda with the appellant presentation.

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

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10. **CONSENT CALENDAR - MOTIONS**

*Any member of Council may request an item be removed from Consent Calendar and considered separately. Removed items are considered immediately following the adoption of the Consent Calendar.*

10.a **Motions**

10.a.1 **Consideration to AWARD WORK PACKAGE NUMBER TWO to Reynolds Construction, LLC, Denver, Colorado in the amount of \$829,306.06, for the Eastern Utility Pipeline, Project R-5876A.**

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

Motion by Marcano, second by Gardner to approve the Consent Calendar item 10.a.1.

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

11. **CONSENT CALENDAR - RESOLUTIONS AND ORDINANCES**

*Any member of Council may request an item be removed from Consent Calendar and considered separately. Removed items are considered immediately following the adoption of the Consent Calendar.*

11.a **Resolutions**

11.a.1 **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 testimony.

CM Bergan motioned to amend 11.a.1 to have public invited to follow the consent calendar to give people more time before the agenda item is up. This was seconded by Mayor Pro Tem Gardner.

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CM Coombs did not support the motion as the items are already given in the Consent Calendar putting more people in an even worse position in terms of testifying on agenda items if it were to be moved in front of public invited to be heard.

Mayor Pro Tem Gardner stated that the public invited to be heard is not for agenda items. It is for comments to City Council for non-agenda items only. CM Coombs clarified that if the public invited to be heard is put after the Consent Calendar, people wanting to sign up on agenda items would now have to do that right at the beginning of the meeting. Whereas, public invited to be heard being first would give people buffer time to arrive before the agenda item is up. If Consent were done first, then the agenda items would start by 6 p.m., when people are still on their jobs and wouldn't be able to arrive promptly at 6 p.m. and wouldn't be able to pull the item off the agenda.

CM Marcano acknowledged the effort to compromise. However, he reminded the Council that this was already discussed last meeting. Last Study Session, a discussion was brought up that not everyone works a 9 to 5 shift, but the decision was made to have the meetings be accessible for 9 to 5 shift folks and those who work a night shift. In this way, they will be able to participate. CM Marcano further explained that the goal for this is to not keep the staff late into the evening. He stated that he would ask the City Manager to create a policy around comp time for staff that are there for the Council meetings as it would not be fair for them to work early the next day after they have gone up late into the evening attending the meeting. CM Marcano did not support the amendment and thought that 6:30 is a good time to have folks after they are able to get home from their jobs.

CM Bergan withdrew her amendment and agreed that CM Coombs made a good point regarding the people would want to pull items of the agenda. Mayor Coffman called the amendment to put the public invited to be heard after the Consent Calendar back to 11.a.1 unamended.

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Motion by Gardner, second by Sundberg to support Resolution 2022-237 amending the council meeting start time.

Voting Aye: Gardner, Jurinsky, Sundberg, Zvonek

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

**11.a.2 Oil and Gas Lease with Maverick Mineral Partners T4S R65W Section 6**

**R2023-01** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF AN OIL AND GAS LEASE AGREEMENT WITH MAVERICK MINERAL PARTNERS II, LLC, FOR CITY OWNED MINERAL INTERESTS WITHIN SECTION 6, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO CONTAINING 33.5197 ACRES

Jeffrey S. Moore, Manager Oil & Gas Division / Ian Best, Assistant City Attorney

Outside speaker: John Jones, Maverick Mineral Partners, Operations Manager

Hector Reynoso, Manager of the Real Property Services Division and Jeffrey Moore, the Manager of Oil & Gas Division provided a summary of the item.

CM Bergan asked for further clarification on no ability to restrict surface access if lease was to be rejected. J. Moore explained that if the lease was to be signed, it will be a private contract agreement, which means that there's no ability for the operator to drill a well from that property or access the property to stage equipment, or anything else related to the drilling. If they were to reject the lease, they would lose that opportunity.

CM Marcano asked if the only entity that has access or jurisdiction on any drilling site throughout Aurora would be the Colorado Oil and Gas Conservation Commission (COGCC). J. Moore stated that if an operator wanted to propose drilling a well on a property, their division would have the authority to say yes or no on that particular property.

CM Marcano further asked if, ultimately, the permits will be approved by the COGCC for any drilling activity. J. Moore clarified that COGCC approves the permits.

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CM Marcano wanted to speak to the members of the public who have reached out to the Council about the drilling activities and other activities that are happening in the city. He stated that the Council would not be able to do much on this kind of activity as a Council, especially when it is outside of the city limits, and recommended individuals contact their own state legislators. They can find all information online to revise statute and the regulatory authority of the COGCC in a way that would suit the results they are looking for; whether they want the city to have more control over the activity, if they want resident control over the development, or if they want to change the force pooling maximum to be an actual majority as opposed to 45%, which is currently the maximum set. He added to also keep contacting the Council, as some of the members are able to reach out to the state legislators and be able to let them know the concerns of the community. He explained that the City Council's extent on impact is within the city.

Motion by Gardner, second by Sundberg to approve the Oil and Gas Lease Agreement.

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

**11.a.3 Intergovernmental Task Order Agreement for the Small Business Development Center Sub-Center**

**R2023-02** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE STATE OF COLORADO MAIN INTERGOVERNMENTAL TASK ORDER AGREEMENT BETWEEN THE CITY OF AURORA AND THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE REGARDING FUNDING OPERATIONS FOR THE SMALL BUSINESS DEVELOPMENT CENTER SUB-CENTER

Request Waiver of Reconsideration. The State has requested immediate execution of the agreement in order to process the 2023 grant funding and fund the SBDC Center.

Sponsor: Françoise Bergan, Council Member

Marcia McGilley, Executive Director, Aurora-South Metro Small Business Development Center / Rachel Allen, Client Group Manager, City Attorney

**11.a.4 Aurora Economic Development Council, Inc. ("AEDC" and the "Consultant") Professional Services Agreement**

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**R2023-03** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING THE EXECUTION OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO ("CITY") AND AURORA ECONOMIC DEVELOPMENT COUNCIL, INC. ("AEDC" AND THE "CONSULTANT")

Sponsor: Françoise Bergan, Council Member

Andrea Amonick, Development Services Manager / Rachel Allen, Client Group Manager, City Attorney

*Discussion on the Coombs Amendment*

CM Marcano expressed concerns on the pay scales for the executive leadership of the organization where the President gets an egregious salary of \$400,000 a year when the contribution is \$550,000 shared with other jurisdictions.

Andrea Amonick and Wendy Mitchell confirmed that 19% of the budget comes from the City of Aurora and the rest of the funds were raised privately.

CM Jurinsky expressed her opinion on the question asked by CM Marcano to the only woman who is the head of an economic development partner. She called for the salary of every man who is the president or executive of any of the AEDC partners.

After AEDC presented last year's result on the tax revenues, CM Bergan explained that the return on investment needed to be put into perspective, as they are receiving a significant amount of money, putting into perspective the value proposition of CM Marcano's question. CM Bergan and CM Sundberg also agreed with CM Jurinsky that someone who is successful at their job should be well compensated.

CM Coombs motioned to continue the item to the February 13<sup>th</sup> Council Meeting, after the winter workshop, when the information requested as well as other discussion about economic development within the city will be accessible.

CM Sundberg and CM Bergan opposed on the motion as the discussion was to simply extend a three-year contract instead of doing this on an annual basis, and is subject to annual appropriations and can be terminated at any time.

Rachel Allen confirmed that there is a provision that the agreement may be terminated with 30 days' notice at the convenience of the city.

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CM Coombs and CM Marcano further clarified that the salary information was to have a more comprehensive and robust economic development conversation and not just to hold things up. CM Marcano expressed his dissatisfaction with the fact that a lot of the things that are brought forward to council are not housing, wages, jobs and they are contributing to this organization.

Mayor Coffman further discussed that neither the city nor the AEDC has a comprehensive economic development plan to move forward and he believed that's why they've been underperforming in terms of wages.

CM Marcano agreed with Mayor Coffman that the International Chambers of Commerce have no idea what is happening in Aurora and the tremendous potential that they have. He expressed that they need to investigate better opportunities.

CM Bergan clarified that AEDC meetings hold presentations for the community to bolster Aurora.

CM Lawson asked CM Marcano if he has sat down with AEDC and discussed this issue, and what is the caveat behind CM Marcano's questioning about wages.

CM Jurinsky explained there are jobs coming into this city with wages that are too low but then it also was declared that a \$400,000 salary is egregious. She was not sure who's setting the floor or the salary here on wages or if this is all just arbitrary.

CM Murillo reminded her colleagues and asked that they continue with a certain level of decorum. She asked that they present the median salary in AEDC as it is a good benchmark, and that there be consistency on the conversations in terms of economic incentives. She further expressed support on pushing the vote and the comprehensive conversation.

CM Coombs expressed her concern to have the comprehensive conversation before voting prior to the February 13<sup>th</sup> meeting. She mentioned discussions they had at AEDC meetings and wanted to continue and support this type of conversation and continue to work with them on making sure that they prioritizing the local community.

CM Sundberg commended AEDC for their job attraction goal every year.

CM Bergan stated that those who took jobs that pay minimum wages are given an opportunity to work for a company that offers really good

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benefits. She thinks that it is disingenuous to say that people who make 40-60 thousand don't appreciate their jobs.

Mayor Coffman clarified that it was not an insult to the people that have the jobs, but the question was, was it an insult to the taxpayers that subsidize those jobs.

Motion by Coombs, second by Marcano to continue the item to the February 13<sup>th</sup> Council Meeting, after the Winter Workshop.

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

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

Motion by Jurinsky, second by Gardner to end debate on the Motion to Continue.

Voting Aye: Marcano, Coombs, Murillo

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

Motion by Jurinsky, second by Bergan to end debate on Main Motion.

Voting Aye: Marcano, Murillo

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

Motion by Bergan, second by Sundberg to approve Resolution 2023-03 AEDC Professional Service Agreement.

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

Voting Nay: Marcano

#### 11.a.5 **Retail Incentive Agreement**

**R2023-04** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING THE EXECUTION OF THE

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ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO ("CITY") AND SOUTHLANDS PC, LLC . (THE "DEVELOPER")

Sponsor: Françoise Bergan, Council Member

Bob Oliva, Retail and Commercial Supervisor / Brian Rulla, Assistant City Attorney

**11.a.6 Lease Agreement with Brooke S. Hommes**

**R2023-05** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE LEASE AGREEMENT BETWEEN CITY OF AURORA AND BROOKE S. HOMMES

Tom Clark, Senior Real Estate Specialist, Public Works Department / Michelle Gardner, Senior Assistant City Attorney

**11.b Finalizing of Ordinances**

*Ordinances approved unanimously at first reading*

**11.b.1 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, 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

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Motion by Bergan, second by Jurinsky to approve the consent calendar items with items 11.a.1, 11.a.2, and 11.a.4 removed.

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

12. **PUBLIC HEARINGS**

*Public hearings with or without related ordinances*

None.

13. **INTRODUCTION OF ORDINANCES**

None.

14. **FINALIZING OF ORDINANCES**

*Ordinances not approved unanimously at first reading*

Mayor Coffman called for a brief recess.

14.a **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

Mayor Coffman recognized himself as the co-sponsor of this measure which will not take effect until 2025.

Motion by Jurinsky, second by Zvonek to call for the question on item number 14.a.

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

Voting Nay: Coombs, Medina, Marcano, Murillo

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Motion by Jurinsky, second by Coffman to approve item number 14.a.

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

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

15. **ANNEXATIONS**

16. **RECONSIDERATIONS AND CALL UPS**

17. **GENERAL BUSINESS**

18. **REPORTS**

**18.a Mayor**

Mayor Coffman's town hall meeting will be on January 28<sup>th</sup> at 2 p.m. at the Central Library and Interim APD Chief Art Acevedo will be there talking about his philosophy going forward in terms of law enforcement in the City of Aurora.

**18.b Council**

CM Lawson informed that the Legislative session begins today. Legislative priorities include affordable housing, property tax, and public safety. The FSIR committee will be meeting this Friday, January 13<sup>th</sup> at 1 p.m., and will meet every two weeks during the legislative session.

CM Jurinsky reported that four at-large council members will have their first town hall for this year at the brand-new Southeast Rec Center, March 29<sup>th</sup> at 6 p.m.

CM Murillo announced that she will have a town hall on January 26<sup>th</sup> at 6 p.m. at the Moorhead Recreation Center. She expressed her disappointment with how the meeting evolved today and hoped Council can move away from that and hold themselves to a better standard moving forward.

CM Sundberg announced that he will have his town hall on Thursday, January 19<sup>th</sup> learning about the Aurora Public Schools Vision for new schools and magnet schools. It will also include learning about the school resource officers, why they're passionate about it, and what kind of training they have.

CM Medina shared that he had his town hall last week with robust conversation around a lot of code issues and that he will be bringing a resolution in the coming weeks around DNI education for everyone.

CM Marcano expressed concern on the meeting and how it ended today. He apologized to the public for that. He also congratulated Representative Emanjuta, Commissioner Leslie Summey, Commissioner Jessica Campbell Swanson, Sheriff Tyler Brown, Coroner Kelly Leer, Treasurer Michael Westerberg, Assessor P.K. Kaiser and Clerk and Recorder Joan Lopez on getting sworn in earlier this evening. The next ward meeting is going to be on Thursday, January 12<sup>th</sup> at 6:30 p.m. at the Colorado Early Colleges where they are able to join via WebEx or in person. Presentations will be followed by Q&A from Aurora Public Schools Director and P.K., District IV Arapahoe County Commissioner Leslie Summey, and an introduction with interim APD Chief Art Acevedo.

CM Coombs announced that her first town hall of the year will be on Tuesday the 17<sup>th</sup> at the Heather Gardens clubhouse with agenda setting and open Q&A. She also renewed her call to Mayor Pro-Tem Gardner to include in one of the workshops opportunities for Council to set and build norms around mutual respect and engagement with one another.

CM Bergan shared her works during the holidays helping several homeless people that called her. She is looking forward to attending the MLK Interfaith Prayer Breakfast this Friday. Her next town hall will be on January the 18<sup>th</sup> and it will be at CAPSTC, which is the Police and Fire Training center on Quincy. The discussion for town hall will involve mineral leasing and the cap at Lowry Ranch. The town hall will have the General Manager of Water present to answer concerns about the Aurora Reservoir and drinking water.

Councilmembers Gardner and Zvonek did not have reports.

19. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of the City Council.



  
MIKE COFFMAN, MAYOR

  
KADEE RODRIGUEZ, CITY CLERK

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