

## MINUTES

### Regular Meeting of the Aurora City Council

Monday, February 13, 2023

1. **RECONVENE REGULAR MEETING OF FEBRUARY 13, 2023, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of the City Council for February 13, 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 after the 8:20 p.m. brief recess.

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

5. **APPROVAL OF MINUTES**

5.a **January 30, 2023, Meeting Minutes**

Motion by Sundberg, second by Coombs, to approve the minutes of January 30, 2023, as presented.

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

6. **PROCLAMATIONS OR CEREMONIES**

None.

7. **PUBLIC INVITED TO BE HEARD**

(non-agenda-related issues only)

Council heard public in-person testimonies on non-agenda-related items.

8. **ADOPTION OF THE AGENDA**

Motion by Coombs, second by Sundberg to adopt the agenda.

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

9. **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.*

9.a **Motions**

- 9.a.1 **Consideration to AWARD A SOLE SOURCE CONTRACT in the Amount of \$200,000.00 to Falck Rocky Mountain Inc, Aurora, Colorado to Provide Medical Health Staffing Services for the Aurora Mobile Response Team**

Courtney Tassin, Crisis Intervention Program Manager, Housing and Community Services / Dave Lathers, Senior Assistant City Attorney

- 9.a.2 **Consideration to EXTEND A COMPETITIVELY BID CONTRACT to A-1 Chipseal Co., Denver, Colorado in the Amount of \$3,691,069.03 for the 2023 Surface Treatment Program. Project No. 5818A (Second Extension Year)**

Staff requests a waiver of reconsideration due the length of the project and sensitivity to weather conditions that can cause delays.

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

- 9.a.3      **Consideration to EXTEND A SINGLE SOURCE CONTRACT to Quantum Water & Environment, Lakewood, Colorado in the Not-to-Exceed Amount of \$265,549.55 for Continued Highway 30 Landfill Investigation, Monitoring and Reporting Services**

Jeffrey Moore, Manager of Oil and Gas / Dave Lathers, Senior Assistant City Attorney

- 9.a.4      **Consideration to AWARD A COMPETITIVELY BID CONTRACT TO B&M Roofing, Frederick, CO in the Amount of \$2,119,623.00 for the Aurora Municipal Center (AMC) Roof Replacement; Project 5903A**

John Perkins, Public Works / Dave Lathers, Senior Assistant City Attorney

9.b      **Planning Matters**

9.c      **Appointments to Boards and Commissions**

- 9.c.1      **Consideration to Appoint Two (2) Members to the Human Relations Commission**

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

Motion by Gardner, second by Bergan to adopt the agenda.

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

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

◆ *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.*

*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 **Resolutions**

10.a.1 **Central Colorado Mountains River Basin Weather Modification Program**

**R2023-13** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE CENTRAL COLORADO MOUNTAINS RIVER BASIN WEATHER MODIFICATION PROGRAM COST-SHARING AGREEMENT

Abba Ahmed, Water Resources Project Manager, Aurora Water / Ian Best, Assistant City Attorney

10.a.2 **Stage 1 – Water Availability**

**R2023-14** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S DECLARATION OF STAGE I WATER AVAILABILITY CONDITIONS EFFECTIVE MAY 1ST, 2023

Greg Baker, Manager of Public Relations, Aurora Water / Ian Best, Assistant City Attorney

10.a.3 **Auto Theft Penalty Enhancement**

**R2023-15** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, URGING THE STATE OF COLORADO GENERAL ASSEMBLY TO PASS LEGISLATION IN 2023 TO REMOVE THE ELEMENT OF "VALUE" FOR MOTOR VEHICLE THEFT AND TO INCREASE THE PENALTY FOR COMMITTING MOTOR VEHICLE THEFT AND RELATED OFFENSES

Sponsor: Dustin Zvonek, Council Member

Pete Schulte, Public Safety Client Group Manager, City Attorney

- ◆ *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.*

Council heard public in-person testimony.

*Discussion on Marcano Amendment*

CM Marcano stated he agreed that the penalties should be standardized for motor vehicle thefts. The utility would be where a lot of the injury came from folks and not the value of the vehicle. He stated he has heard from family friends who have had this experience and he knew how financially devastating and invasive the whole process could be. CM Marcano pointed out that the clearance rate nationwide, according to a Fox News article, for motor vehicle theft was around 12% to 13%. In Colorado, it was 8%, and Aurora, 2.3%. This would mean that a vast majority of people who were victimizing the residents would never be caught. CM Marcano encouraged the Legislature to increase the penalty and look at the root causes of motor vehicle theft and other kinds of property crimes. Given the penchant for reactions, he suggested to amend the resolution that would encourage the Legislature to pursue educational or vocational penalties. He stated he saw a bill in the Legislature that would be providing funding for folks who would be sentenced for crimes to get an education. CM Marcano discussed he was working on a sentencing alternative for the local Council and the goal of it was to provide people with education and vocation so they could restore the damage done to the residents and would have an income that they could get a restitution from. He added that it would not change anything even if they put them in jail, as they would come right back into that same environment and would likely recidivate. However, they would be able to help them turn their life around by connecting them to educational resources and vocation, and they would be able to earn a living and repair the harm they did. CM Marcano proposed amendments to the resolution to encourage the State Legislature to support efforts in seeking educational or vocational sentencing for folks who perpetrate property crimes with the goal of restoring the harm that they did to the victims of motor vehicle theft and other property crime.

Mayor Coffman asked for a summary of CM Marcano's amendment. CM Marcano stated that after increasing the penalty, restitution should be sought for harm and financial hardship inflicted upon victims of motor

vehicle theft and other property crime. Mayor Coffman asked if the intent for the amendment was in lieu of incarceration. CM Marcano clarified he wanted to give an option to judges, as jail would always be an alternative, and he would want the Legislature to consider the amendment with this resolution.

CM Coombs asked if the amendment would be an alternative or an addition to the resolution. CM Marcano stated he would be fine either with an alternative or as an addition to the resolution.

CM Bergan stated she thought that the judges always had the discretion of increasing penalties for motor vehicle theft. CM Marcano stated that they don't have a system set up specifically for vocational or educational sentencing. He read that the educational component was already in the works in the Legislature. Therefore, he wanted to nudge the Legislature in that direction while also supporting the standardization of penalties. He agreed that the tiered value of the vehicle was nonsense.

CM Zvonek stated that what CM Marcano was proposing was worthy of a conversation for a separate resolution because he had read about the same bill that would be coming forward. The purpose of the resolution and of the legislation was to prevent car theft. They have talked during their discussion eight months ago when they passed their own municipal code around motor vehicle theft that it was to create a penalty for ruining people's livelihood. He added that people stealing cars weren't stealing it for a joyride, and not all were stealing it to feed their family, but more often, they were stealing it to commit even worse and more violent crimes, and they needed to put an end to that. CM Zvonek stated he was happy the Legislature recognized that for far too long they have gone in the opposite direction. He believed that there was a point at which penalties wouldn't deter any further, but he believed that they've gone in the exact opposite direction. They have made a permissive environment that they needed to go back to where they were in the Legislature. This was not a partisan issue anymore. The Republicans and the Democrats worked together to make this happen. He added that the people opposing the resolution would be people on the fringes, and people who have a utopian view that people only commit crimes because of a systemic yield that they had to face in their

lives. He stated that some people do dumb things and commit crimes, and they must create penalties for these people that would deter them, because right now, these people don't have a deterrent. He hoped that the Legislature would move forward with the legislation as it is. He urged a no vote on the amendment and to pass the resolution.

CM Marcano stated that CM Zvonek would be at odds with the Department of Justice (DOJ) who have said repeatedly that increasing steeper penalties was not a deterrent to crime. He mentioned that when folks get out of jail, they would just go back to that same kind of life. The reason for his amendment was because he was trying to add an avenue for folks that they could pursue that would change their lives and would make society safer. The amendment would allow them to repair the harm they inflicted to people. They knew that if they would put them in jail for 60 or 12 days, they would just be adding insult to injury because they would be paying for a three-square and a roof over their head, and then they would likely go back and do the same thing once they get out. He thought it would be important to add an avenue that judges could exercise and encourage the legislature to follow through. What they were doing was doubling down on things that even the DOJ understood that it wouldn't change anything. CM Marcano stated they have got to start being smart on crime as this was just being stupid on crime.

CM Bergan asked Pete Schulte for a law enforcement perspective about whether incarceration wouldn't do anything to prevent crime, as she has read opposite studies by law enforcement. P. Schulte, the Manager of Public Safety of the City Attorney's office, stated there would be two directions on that. He agreed with CM Marcano that the higher sentences for very violent offenses wouldn't deter crime. However, there were studies that showed that jail time did have a deterrent on lower-level property crimes. CM Bergan stated that is what she read and she would support the resolution because there were too many victims. They hear it every day from their residents that their car was stolen, they couldn't get to work, and they don't have insurance enough to cover getting a new car. CM Bergan stated that whether they have a car that's worth \$25,000, \$50,000, or \$600, it would still be a crime against them,

and they would be a victim. CM Bergan added she was in full support for the resolution.

CM Zvonek stated that both data and common sense suggest that stricter penalties for these types of crimes would be a deterrent. He urged a no vote on the amendment and a yes vote on the resolution as it stands. He discussed that CM Marcano mentioned the thought that the penalty should be uniformed, which suggested that he believed that penalties are necessary. CM Zvonek hoped that they did not believe that they should have no penalties for people who steal cars. He believed that the Legislature was going in the right direction with reversing their offender-friendly laws that they've passed over the last few years. The Republicans and Democrats supported this. The only people who opposed the resolution would be the people who pursued a radical ideology that doesn't acknowledge victims, and they needed to kowtow to their community and not put their community's safety at risk. Mayor Coffman stated that this would reverse the 2021 bill by the Legislature that bifurcated on the basis of value to a felony and misdemeanor.

CM Jurinsky shared that on the past Thursday night, one of her Aurora locations was broken into a second time in six months with a stolen vehicle. The first time was a stolen vehicle with no front or back license plate. The second time was a stolen vehicle with a stolen license plate. Her idea of making the victims whole would be seeing the perpetrators go to jail. She had an Aurora police officer beating on her door in the middle of the night because she had a massive hole in her storefront. She added that perpetrators have no regard for their businesses. She stated that stolen vehicles would lead to other crimes and would impact the community. The rate may be 2% in Aurora, but the 2% would need to be made an example of. She stated she was a victim to property crime. She said her father was in the chamber every time they had a council meeting. Since her father couldn't afford to send her to college, she joined the military, and now she owned businesses. She stated she had video footage of both break-ins and they can tell that the perpetrators were panicking because the cops were coming and they didn't want to be arrested. CM Jurinsky stated that if they want to make the victims whole, they should put the perpetrators in jail.

CM Murillo agreed with CM Marcano about standardizing the penalties. She believed that the value of the car to somebody isn't the same as somebody else's value. She agreed that there shouldn't necessarily be a delineation based on the value of the car because they all know the importance of a vehicle in everyday life, especially in Aurora, since they weren't the most walkable city. She also supported the amendment. She knew that the judges can enact jail time at some point in the process. However, she didn't think that having to pay for their beds in jail, making it harder for folks to reintegrate into community, not giving viable options for that reintegration, and for them to recidivate back into a life of crime, would be thinking long-term about the success of policies like these. She discussed that she understood and was empathetic to the people's experiences, but for her, that logic wouldn't align. When she thought of long-term societal costs of housing, more people in jail wouldn't equate to less crime, and not having alternative options would make it harder for people to reintegrate to community and reintegrate into a life away from whatever crime they might have experienced beforehand. She stated it would not be a fringe idea to believe in that and that it would be a legitimate way to think about how they're making decisions. CM Murillo added her heart goes out to folks who have dealt with this, and she appreciated when people share their real pain and advocate on something they believe.

CM Zvonek clarified that the resolution would support the standardization of penalties, regardless of the value of the car. He added that he and his colleagues acknowledged that motor vehicle theft, at any level, should be a felony. On the other side, his colleagues were saying they didn't want to have too tough of penalties, and they wanted to give different options. He suggested having the amendment standardized the penalties but make it more permissive. CM Zvonek supported the resolution and stated that public safety was not a campaign talking point. It should be something they prioritize all the time.

CM Coombs stated that she was running out of patience for this discussion. The conversation was supposed to be on an amendment that CM Zvonek supported. CM Coombs stated that CM Zvonek urged the Legislature to pursue the program that CM Marcano talked about in his

amendment, and then saying that they were making it political. CM Coombs added that everyone in the Council except CM Jurinsky and CM Murillo made the conversation about politics. She added that this was a very simple amendment; it was a yes to the resolution and encouraged the Legislature to pursue the policy around education, restitution, and vocation. She stated she doesn't understand why they can't do both ends, as it would really behoove them all. She clarified that nobody said they wanted to make the penalties more permissive. The only thing that was stated was to make sure that they were offering education, vocation, and ways to stop people from recidivating. CM Coombs hoped they could move on from the discussion.

CM Zvonek clarified that what he said was that CM Marcano's amendment and the legislation were worth having a separate conversation, but that the resolution was about trying to prevent motor vehicle theft with tougher penalties. He knew that CM Coombs opposed this during the Study Session because she said there were some whereas she wanted to change, and he looked forward to those amendments. CM Zvonek stated he urged a no vote on the amendment and that they could move on.

Motion by Marcano, second by Coombs to approve Resolution 2023-15, as amended.

Voting Aye: Coombs, Marcano, Medina, Murillo

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

Motion by Zvonek, second by Jurinsky to support encouraging the Colorado Assembly to amend state statutes to increase the penalty for motor vehicle theft and related offenses statewide.

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

Voting Nay: Murillo

**10.a.4 Juvenile Beds Legislation**

**R2023-16** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, URGING THE STATE OF COLORADO GENERAL ASSEMBLY TO PASS LEGISLATION IN 2023 TO REMOVE THE ARBITRARY "CAP" ON AVAILABLE "BEDS" IN JUVENILE DETENTION FACILITIES

Sponsor, Dustin Zvonek, Council Member

Pete Schulte, Public Safety Client Group Manager, City Attorney

Council heard public in-person testimony.

Mayor Coffman stated there were about four items that Mayor Hancock from Denver, Mayor Suthers from Colorado Springs, and himself had agreed to. They brought it to the Governor and, although he didn't specify as to what level of increase he supported in juvenile beds, he clearly supported making all auto theft a felony and said so in his State of the State speech. Mayor Coffman thought they have no place right now and that the judges were forced to release very violent young people because they have nowhere to put them in a pretrial confinement. They recently had an accident on a Saturday night when a stolen SUV vehicle that was loaded up with kids and a 15-year-old driving under the influence of marijuana who had been released by a judge because there was no place to put them. The first thing that juvenile did was cut off his ankle bracelet and T-boned a pickup truck with a family in it turning into their neighborhood, driving northbound on Buckley. He hit the vehicle at such a rate of speed throwing the vehicle about 150 feet. The accident resulted in many people very seriously injured. The DA went to the judge and pleaded with them to be able to hold the individual who had many priors. Mayor Coffman thought this would be critical.

CM Lawson stated she said this at the FSIR Committee and at the Study Session that she was not against CM Zvonek's resolution, but at the State Legislature, there has been some talk from a committee that was

deciding that they may be able to get some beds. She expressed her concern that it sent a mixed message because the resolution went over to the State Legislature to say that the Council wanted no beds and yet they had an opportunity to get some beds. She understood about the arbitrary cap, however, having an opportunity to get something that they could possibly negotiate, depending on the data they would provide, which they haven't provided yet, would be the best thing to do at this point. She clarified she was not against it, but she thought they should take those opportunities, instead of sending mixed messages. She stated she would vote against the resolution at this time. She knew this would probably move forward, but at this time, she thought they were moving the cart before the horse because there was an opportunity where they could get something, and something is better than nothing.

CM Zvonek stated CM Lawson and he had this conversation and he respected where she was coming from. However, he expressed his thought that setting the arbitrary cap with another arbitrary number is a bad policy, and he thought they should take a position as a city to say any cap that would create a situation like what Mayor Coffman just described, which is exactly what they would be doing, was wrong. The Legislature might not or might increase the beds by 10% or 5%, or they might not even read this resolution, but he believed that they owe it to the residents to do what was best. In this case, what was best for the community and for the kids who were committing these crimes was to say there should not be any arbitrary cap on the number of juvenile beds. Right now, if one of these young kids commit a crime and they're released, cutting their ankle monitor off, and escalate the level of crime, not only do they create more victims, potentially deadly, but they would also jeopardize their own future further because they didn't have the ability to hold them longer. That would be the wrong policy for them. He stated that the Legislature made a mistake by creating this arbitrary cap and by increasing it by some percentage or some number is just another arbitrary cap. He believed that there should be absolutely no cap on the number of juvenile detention beds available for those kids who commit the types of crimes that they all agreed require juvenile detention.

CM Sundberg reiterated the seriousness of the problems. He was observing what's taking place in the city. They wanted the young people to succeed, have enough chances, and to have robust programs around the town. They wanted deterrence and diversion. He emphasized the story that Mayor Coffman shared. In this whole situation, they had a 12-year-old boy who stole a car in Denver last week and was shot by the owner of the vehicle. The propensity of daring, violence, and danger for these kids would be unprecedented. A young man of 16 was also shot during a drive by, where CM Sundberg went to the memorial service with Pastor Reed to honor the young man. A shootout with the police also happened, pulling over a stolen vehicle. The propensity for violence and daring of a 15-year-old kid and a six-year-old kid firing at the police with high-caliber weapons that left big holes in the car. These accidents just show that they needed to incapacitate some of these dangerous youth through detention. They wanted them to succeed but this was the reality of the situation. CM Sundberg stated some of the kids just don't care about life.

Mayor Coffman clarified on CM Sundberg's situation that it was a 12-year-old girl that was killed in the stolen SUV.

CM Jurinsky asked for the police chief to come down to talk about what was going on with the gangs and using children in crimes since it's known that they don't have an arbitrary bed cap. A. Acevedo, Interim Chief of Police, responded.

CM Jurinsky asked if it was the stance of the Aurora PD to support the no bed cap for juveniles. A. Acevedo stated they should make decisions based on needs and not based on artificial. If they were to hold them, they would need to have programming for them, have psychologists, and have all the different disciplines in there to help them be successful when they get out. He added that they needed to have a good reentry, which he thought was one of the things that the Council discussed earlier.

CM Sundberg mentioned that in the accident, the 15-year-old driver had six no bond felony warrants and two misdemeanors. His brother, a 16-year-old, sitting in the seat next to him, had three felony warrants.

Discussion on Coombs Motion to Table

CM Coombs suggested minor amendments on the resolution. In the second clause, she wanted to strike the words "with no justification." CM Marcano seconded the Coombs amendment. CM Zvonek asked if there was a justification. CM Coombs answered there was an entire legislative process. She added that it would not be respectful to have people undertake the process with no justification. CM Coombs stated that they could be respectful to the people that they asked to take the positions they wanted them to take.

CM Zvonek stated that when the caps were set, there wasn't a justification. They created these arbitrary numbers, which is why they're back in the situation where the same lawmakers said they needed to raise the bed cap. The right thing to do would have to have no arbitrary cap because they shouldn't be limited by a decision that was made under the gold dome. Their decisions should be made based on the realities of our communities. They were playing with the lives of the people and young kids in the community. The consistency at which the kids go out and commit crimes that are even more dangerous was startling. CM Zvonek added that they should not have a legislation or any sort of cap. When he stated in this resolution without justification, it was because there was no justification. Nobody could tell why the cap number was picked. These numbers were started because there were certain people who believed this.

CM Marcano pointed out that according to the Colorado Sun, about 41% of the juveniles were the ones that were in these facilities for violent crime. He agreed to A. Acevedo's point that these folks needed to be held there so that they could be rehabilitated and then reintroduced into society in a way that's not harmful. The bulk of the folks who utilized these programs were there for behavioral and mental health issues. He added that they don't have enough beds dedicated to behavioral and mental health issues in the State, which is why they're using these juvenile detention ones instead. He added that they would be moving in a more productive direction if they could get the State to provide more resources for behavioral and mental health so that they could utilize the beds that they were talking about increasing this cap for the purpose

that they were intended to be used. He expressed his concern that they were building towards a situation like they had at the Arapahoe County Jail, where it became the primary provider for mental and behavioral health services. They ended up with frequent fliers because they were not actually getting the long-term treatment and rehabilitation that they needed. They were being incarcerated for other reasons and put in the facility because that's what they had. He reminded everyone that when they had a ballot issue two or three years ago to increase the size of the Arapahoe County Jail, it failed spectacularly because the residents knew that they were just throwing good money after beds, as they were not addressing the issue at the root. CM Marcano stated he would be in support of the general direction because he agreed that they shouldn't be releasing these folks prematurely and they would need to make sure that they get the help that they need. However, they were still ignoring the mental and behavioral health aspect of it and just focusing on the punishment for a specific group of people that's a minority of the users of the current facility. He added they should rework the entire resolution based on the information that CM Lawson was alluding to wanting to wait for. Otherwise, he felt it was premature.

CM Coombs withdrew her amendment and motioned to move to Table until they have further information from the State Legislature. CM Bergan disagreed with tabling it. It was important to bring the item forward to the Legislature to have them consider that an arbitrary number of beds didn't make much sense. One of the constituents in the audience mentioned earlier that they were not going to return back to either a broken home or a violent home, or go back into an environment where they were part of a gang and their fellow gang members were getting them to create more crime. The bed space would be a safe environment for them during the time frame until the trial would happen. CM Bergan stated it would be good to pass the resolution now and they must be very responsible to the residents in the city and protect the victims. She urged the Council to support the resolution and they can negotiate with the Legislature, hopefully removing the cap. CM Bergan added that they should make their case that there should not be a cap whether the situation would end up where the Legislature doesn't want to remove the cap, and instead, increase the bed cap.

CM Lawson expressed her opinion on her colleagues' opinion on her statement. She has been against supporting youth violence and has been focused on the Focused Deterrence Program. Her colleagues thought that she was stating that she was in support of the crime and juveniles who were in crime, which wasn't the case. She clarified that they have an opportunity to get some beds. They were letting kids out of the facilities and letting them commit crimes because they didn't have enough places for them. She added that she knew kids who have been in detention centers and called the facilities as "fun and games." They get up in the morning, eat breakfast, no programming, and there was nothing for them to do. She expressed her opinion that an arbitrary cap would not solve the issue. However, they have an opportunity to negotiate by providing the data. If they could get 20% more beds, that would be 20% people they could get off the streets. CM Lawson stated she was in support of CM Coombs motion to Table until they get further information, if it doesn't, then they would move forward with what CM Zvonek had on the resolution.

CM Zvonek stated the question was if they wanted an arbitrary bed cap or not. He believed it should be the position of the city to say, no, there shouldn't be because the residents were sick and tired of the violence that they're experiencing in their communities. He had people reach out to him to say that they've lived in Aurora their entire life and for the first time they're afraid to go to their neighborhood parks. He added that they have an opportunity to ask the Legislature and to state that they don't want a cap because it's completely arbitrary. He urged a no vote on the motion to Table. They've done this with a number of issues in the past and he was happy to see the Legislature was finally starting to follow suit and realized that the decisions that they made in the years past was backfiring. The unfortunate thing was there's been far too many victims along the way.

CM Jurinsky agreed on voting on the item tonight. She thought this was a grave matter of importance for the city. When they talk about negotiation, they would go high. She made a job interview an example for this, where they would negotiate high on salary requirements. They were asking for no cap, and that there would be no negotiation. However, when they go into negotiations, they would go high.

CM Coombs stated that when they go into negotiations, they wouldn't ask for \$1,000,000 if they knew they're going to get \$100,000. They don't go and call the people that they're negotiating with, arbitrary, capricious, without justification, and expect them to want to negotiate with them. If they sent a resolution or a piece of legislation that wasn't binding and saying the same thing, they'd throw it out and not listen. If they wanted to negotiate, they would have to wait for the information to understand where they're coming from, and they would treat them with respect. She stated she doesn't support this approach. She added they could pause, take a breath, understand where they're coming from, listen to what they're bringing forward, and have a conversation with them on that basis instead of calling them arbitrary, capricious, and telling them to do it their way or the highway.

*Discussion on R2023-16 without Amendment*

CM Murillo stated that the spirit of the discussion, the unwillingness to move away from extremist talking points, and not willing to acknowledge reasonable compromises in these types of resolutions was getting old and frustrating. They had a process to make a position known to their State delegation. In fact, they had lobbyists they hired to make sure they heard their positions on bills. The fact that this was being positioned to negotiate was frustrating, and to keep rehashing when they were all very clear that there's a process. She stated that there was no budging and no willingness to come to an alignment with colleagues on any of these types of statement resolutions. She added that it didn't reflect the process and was just a messaging bill talking points. It was hard to legislate when that's where they're starting, and they would continue to keep having these conversations like ad nauseam. She was open to the conversation around caps, and she wanted to support the folks who were executing the work, but she also knew that the more exposure the youth have to the system, the more likely for them to enter as adults. There was a great deal of care that the system put into motion. They had sight and sound protections for juveniles so that they would not be exposed to the criminal legal system to jails where adults are, because they knew statistically there is such a high rate of conversion from youth being in detention to them being adults. CM Murillo stated the framing of the resolution was inflammatory

at best, but it was hard to have a legitimate conversation when they were fear mongering and could not talk about the nuance in these situations. She clarified that there were lots of precautions they took around the youth. She felt that they were punishing on top of a punishment. She agreed with the comments that her colleagues made around how they currently used juvenile beds and they proactively invested 7 million for the Aurora Mental Health Campus. They had standing funds in the City of Aurora for youth violence prevention. She added that this direction went against the other moves that they have made as a Council. While she supported waiting to see and respecting that process, she thought that this went against some of the other positive movements that they've made around funding for juveniles, addressing the root issues around mental health services, and having wraparound services; not just a bed in an institution where they couldn't guarantee the investment on youths.

CM Coombs wanted to clarify because there was a claim that they were fearful of leading and the continued insistence on political soundbites over addressing issues. She clarified that it was not a refusal to lead, but a refusal to confuse bullying and leadership. She added that they could engage with colleagues in the State Legislature with respect, with thoughtfulness toward the process they've previously undertaken, and as well as the process that they were currently pursuing. CM Coombs stated she wouldn't support this for that reason.

CM Zvonek stated he understood that they wanted to have respect for the process and the politicians, but at some point, they needed to have respect for the constituents and the community that were sick and tired of the violence. This resolution may be inflammatory to some, but it just states that they don't want to have a cap on the number of beds that would be available for kids who would be committing crimes that would be so violent that they would be in a bed if it was available. The only reason it's not available was because a group of lawmakers picked a number out of a hat and said this was how many beds they have available. CM Zvonek stated it made no sense. CM Zvonek asked where the inflammatory language was in the resolution.

CM Coombs discussed she had already tried to make an amendment on that subject, and they decided to take this conversation and made it about political soundbites. She added that she knew CM Zvonek said it was just about removing the cap, however, she thought that was not what it was about. If that was what it was about, CM Zvonek would be amenable to minor language change. CM Coombs stated that CM Zvonek should not pretend that he was not playing politics and not refusing to compromise in a basic, simple, and reasonable way.

CM Marcano shared that the cost of raising the bed limit or even eliminating it was going to start at somewhere around \$1,000,000 a year. The estimate he read was that it'll jump to \$3.3 million in subsequent years. He stated that most of the people who were currently occupying those beds were not violent criminals; they were folks who needed mental health and behavioral health services. It would be cheaper to provide those services than it would be to provide the bed cap service that they were discussing for violent youths to be able to be rehabilitated into society, which no one disagreed with. The issue would be what approach they would be going to take. He stated that it would make sense, both financially and from an effectiveness standpoint, to focus on the easier folks to serve, which would be the folks who have behavioral and mental health issues so that they would stop taking up these beds for more violent offenders who would need care that is more acute. He wanted to see the amendments to that language happen at the very least during the discussion. He expressed his disappointment that they were focusing on politics and soundbites for some purpose. He was sure that this would show up later on the TV as opposed to actually sound public policy and good stewardship of not just their dollars, but also their state dollars. Aurora is the third largest city in the state and they have a lot of influence at the Legislature. CM Marcano stated they needed to be hearing a sound approach.

Mayor Coffman asked P. Schulte if it was a high bar to detain somebody on a mental health hold. P. Schulte stated that the juvenile system had a lot more resources available for mental health and other services for juveniles because they're juveniles. Mayor Coffman wanted to get a breakdown from the Legislative Council about those currently being held

in detention as to what their crimes are and how many were purely mental health.

CM Bergan discussed that the reason she was supporting the resolution was that they needed to make sure that they would protect society from violent criminals. They have been told that there were resources for mental health. They were trying to take violent criminals off the streets, and not put them back into society to recreate more crime. The fact that there were not enough beds would be wrong because the beds were trying to take them out of society. She thought that this was a good attempt to protect society from juveniles and re-victimizing them. She added they were hopeful in giving the juveniles a chance to be rehabilitated. CM Bergan then asked for clarification if the juveniles were separated. P. Schulte responded. CM Bergan stated the state legislators needed to find the money for funding.

CM Marcano added new information for violent crime in 2022 according to the Division of Youth Services. 41% of all the youth, or 71 out of 167 of the youth were violent crimes, 80% of the kids who were there needed mental health, substance abuse treatment, and 2/3 needed mental health treatment. He added that this would address some of what Mayor Coffman asked. CM Marcano stated to P. Schulte that he heard where the judges were coming from on this. As he mentioned earlier, this would seem that they've created the same situation that they have with the Arapahoe County Jail, where they're sending folks who were not just violent criminals, but also who have been in substance abuse issues and mental health issues. This caused the population to take up a lot of space that would be better served for folks who were committing violent crimes in our community. They didn't have the resources for these other people, which is why they were using the one thing that they did have. He understood that they have more services for youth, but they're talking about very high acuity youth who have behavioral and mental health issues. This article covered what resources they did not have. CM Marcano advocated this because he thought that they weren't in disagreement in terms of where they should be sending folks who were acting violently, and with the hopes of being able to rehabilitate them. The disagreement was what they should be directing the State Legislature to do with our State's treasure. He

mentioned that it would be cheaper to address those folks with mental and behavioral health services than it was to continue building a bigger jail. He added that they just had this discussion in Arapahoe County a few years ago and overwhelmingly failed. He suggested that they would move more or less in the right direction, but that they needed to pivot and ask them to take care of the lower acuity population first.

Mayor Coffman stated there would be an agreement that these children that were alleged to have committed violent crimes ought to be held in detention without account.

CM Coombs asked for a reason on why they could not use their FSIR lobbying process over sending forward the resolution to have the conversation with the Legislature. CM Zvonek discussed that they have brought this to FSIR. He further stated that CM Jurinsky and he would have voted to support it so that would have been the official position of the City through that process. However, he knew that there was going to be some disagreement, and he knew that there were some who didn't want to see an elimination of the arbitrary cap on juvenile beds, which is the reason why he wanted to have that conversation in the council meeting. They hoped that there would be zero kids committing any violent crime, but they knew that would not be real. He added they must have a policy that would reflect the need and reality of what they were facing in the community, and having any sort of a cap would not do that. The resolution had no politics involved. This was genuinely coming out of a concern for the number of kids who were being arrested for violent crimes and then being released back into the same environment they just came from with an ankle monitor and cutting those ankle monitors and would often commit worse crimes. He further stated that this hit home for him personally. A part of the reason he did it was because he had a 15-year-old son. He remembered the first Force Review Board that he and CM Coombs sat in. He stated he remembered seeing the date of birth of the young man who they had gone after was 2008, which was the year his son was born. If his son had committed these types of crimes, it would need to be held. He would not want him to go right back into the same environment with the same kids, the same people, and commit an even worse crime. That would create an even longer lasting impact on their lives. He stated that the State

Legislature made a mistake when they created the cap. He added that he would be okay telling people who he had a disagreement with that they made a mistake, and if they couldn't hear that, he would be sorry that he had hurt their feelings. However, he had to do what he believed was best for the community, which was to say they don't need a cap. It wouldn't set a floor, but they shouldn't have a cap either.

CM Medina stated whether they have a cap or not, it would all come down to the amount of space. They don't have the space and it wouldn't matter if they had a cap or if the cap was unlimited. He stated he doesn't understand what they were arguing about. They should be arguing about getting more money to bring on more opportunities to put people away. He added they were going in circles, and it was irrelevant if they didn't have the space currently to do what they needed to do. Mayor Coffman added to the discussion that the reductions started in 2003, when there were over 3,000 beds statewide.

Mayor Pro Tem Gardner stated that the mental gymnastics going on up here were exhausting. This was straightforward. He discussed that they were being asked if they would support a statement saying they wanted to remove the caps or not. Instead, they were getting into conversations about mental health and arguing about a couple of words that were told were minor. If they were minor, then it shouldn't matter if they're in there or not. He expressed his concern that this was exhausting, and he felt bad for the public that had to sit through this political conversation. He added that those folks calling out on being political up here, were all political since they were all politicians. He clarified that this was a question of whether they wanted to remove the caps. He stated he was in support and that it would be a silly way to manage the juvenile detention system by placing caps and that it would not be an effective way to manage that. He added that if the need was there, the need was there. He further stated that the conversations about mental health and all these other topics would be great conversations and they should have them. He reminded his colleagues that none of which on this dais supported when he brought forward an item to put a mental health sales tax question on the ballot. He only had one Council Member who supported that, and she was no longer on Council. Mayor Pro Tem Gardner added that there have been efforts in the past to increase

funding for mental health and he didn't get support for that. He restated that the discussion was straightforward on whether they support removing the cap or not.

Motion by Coombs, second by Murillo to Table until more information is received from Legislature.

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

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

Motion by Zvonek, second by Jurinsky to support encouraging the Colorado Assembly to amend state statutes to remove the arbitrary cap on juvenile detention beds.

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

Voting Nay: Coombs, Lawson, Murillo, Medina

Mayor Coffman called for a brief recess of Council until 8:20 p.m.

**10.a.5 Painted Prairie BID No.1 Board of Directors Appointments**

**R2023-17** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPOINTING TWO MEMBERS OF THE BOARD OF DIRECTORS OF THE PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NO 1

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

**10.a.6 Painted Prairie BID No.2 Board of Directors Appointments**

**R2023-18** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPOINTING TWO MEMBERS OF THE BOARD OF

DIRECTORS OF THE PAINTED PRAIRIE BUSINESS IMPROVEMENT  
DISTRICT NO 2

Cesarina Dancy, Senior Development Project Manager, Office of  
Development Assistance / Hanosky Hernandez, Senior Assistant City  
Attorney

**10.b Finalizing of Ordinances**

*Ordinances approved unanimously at first reading*

Motion by Gardner, second by Bergan to approve the consent calendar for Resolutions and Ordinances with items 10.a.3 and 10.a.4 removed.

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

**11. PUBLIC HEARINGS**

*Public hearings with or without related ordinances*

**11.a Cielo Service Plan 2023**

**R2023-19** A PUBLIC HEARING FOR CONSIDERATION OF A  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPROVING THE SERVICE PLAN FOR CIELO METROPOLITAN  
DISTRICT AND AUTHORIZING THE EXECUTION OF AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA,  
COLORADO AND THE DISTRICT

Cesarina Dancy, Senior Development Project Manager, Office of  
Development Assistance / Brian Rulla, Assistant City Attorney

Mayor Coffman opened the public hearing.

Cesarina Dancy, Senior Development Project Manager, provided a  
summary of the item.

Mayor Coffman closed the public hearing.

Motion by Gardner, second by Coombs to adopt R2023-19.

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

**11.b Harvest Mile Service Plan 2023**

**R2023-20** A PUBLIC HEARING FOR CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE SERVICE PLAN FOR HARVEST MILE METROPOLITAN DISTRICT AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Mayor Coffman opened the public hearing.

Cesarina Dancy, Senior Development Project Manager, provided a summary of the item.

Mayor Coffman closed the public hearing.

Motion by Sundberg, second by Gardner to adopt R2023-20.

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

12. **INTRODUCTION OF ORDINANCES**

**12.a Painted Prairie BID No. 1 Petitions for Inclusion and Exclusion of Property**

**2023-01** FOR AN ORDINANCE OF THE CITY OF AURORA, COLORADO, INCLUDING AND EXCLUDING CERTAIN PROPERTY FROM THE

◆ *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.*

BOUNDARIES OF PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT  
NUMBER ONE

Cesarina Dancy, Senior Development Project Manager, Office of  
Development Assistance / Hanosky Hernandez, Senior Assistant City  
Attorney

Motion by Sundberg, second by Gardner to adopt Ordinance 2023-01.

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

**12.b Painted Prairie BID No. 2 Petitions for Inclusion and Exclusion of  
Property**

**2023-02** FOR AN ORDINANCE OF THE CITY OF AURORA, COLORADO,  
INCLUDING AND EXCLUDING CERTAIN PROPERTY FROM THE  
BOUNDARIES OF PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT  
NUMBER TWO

Cesarina Dancy, Senior Development Project Manager, Office of  
Development Assistance / Hanosky Hernandez, Senior Assistant City  
Attorney

Motion by Coombs, second by Gardner to adopt Ordinance 2023-02.

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

**12.c Proposed Drought Surcharge Change to Rate**

**2023-03** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
AURORA, COLORADO, AMENDING SECTION 138-223 OF THE CITY CODE  
PERTAINING SERVICES FOR THE PROVISION OF WATER

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

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

Mayor Pro Tem Gardner asked if the thought process behind putting the surcharge in place was that the residents were going to reduce their water usage because they're going to pay more, because just charging more doesn't necessarily impact the amount of water that would be used. M. Brown explained the two intentions behind the ordinance.

Mayor Pro Tem Gardner asked for a clarification if they would still implement the change from three days a week to two days a week and that the surcharge would be a separate question. M. Brown responded.

CM Bergan asked if they had the tier one, two, three, and four back then when M. Brown mentioned that there was no change in water usage during the drought stage one restriction. M. Brown clarified that they did have the tiers, but in 2013, the stage one level did not have a surcharge, and it was only for levels two and three. CM Bergan stated she spoke to M. Brown earlier about having a way to give a warning to residents so that if they exceeded their water use, especially those in higher tiers on top of the surcharge, they wouldn't just get a bill and freak out and wonder how they're going to pay for it. She stated that his answer was they couldn't track that with their current billing system. M. Brown explained their process. CM Bergan asked if they would adjust WISE on recovering their lost revenue and having to lease water from outside entities. M. Brown responded.

Mayor Pro Tem Gardner asked for an explanation on how the declaration of drought works since he had seen that the snowpack levels were well above 100% and they were talking about the highest snowpack level in years. M. Brown responded. Mayor Pro Tem Gardner asked if those residents who would be in the 0 to 5,000 per month category would not see a surcharge on their bill and what would be the percentage of residents in that bucket. M. Brown responded.

CM Coombs asked what the communication plan would be to make sure folks would understand the surcharges, how the surcharges worked, and

when the surcharge would happen. M. Brown explained the communications plan. CM Coombs asked if there was any information that would clarify that people would not be penalized for having browner lawns, as that was a major concern from the community. M. Brown stated they were collaborating with the code enforcement team, HOAs and other entities. Lastly, CM Coombs asked for the consequences of an HOA or a metro district that would impose fines or fees. M. Brown stated they would go with CM Bergan's suggestion to do a warning.

CM Sundberg asked for clarification if the change in the surcharge was to look out for people that might have paid more during the wintertime because of the stage one implementation. M. Brown clarified.

CM Zvonek asked a question about the number of days watering. He wanted to understand why they wouldn't have a total use as opposed to limiting the number of days they could do, especially since they could not measure except for a monthly basis. M. Brown responded.

CM Bergan asked if they were to vote no, would they revert to the old surcharge so people would still be surcharged. M. Brown answered that they would revert to the old surcharge.

CM Coombs moved to approve the item, seconded by CM Murillo. CM Murillo asked if they increased the funding for the xeriscaping of lawns, as she recalled that they did that in recent history. M. Brown confirmed. CM Murillo recalled that being the investment they made. They're trying to manage their water resources more effectively. They would even design a water-wise lawn whether or not they decided to use the City or have any programming or funding through the City. She recalled that they offered that as a free tool to residents to help better manage the water in their lawn landscaping.

CM Lawson asked if they had any type of programs that would help people with the fines since things are inflated right now. M. Brown described their programming.

Motion by Coombs, second by Murillo to adopt Ordinance 2023-03.

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

Voting Nay: Lawson

13. **FINALIZING OF ORDINANCES**

*Ordinances not approved unanimously at first reading*

*There was no discussion on this topic.*

14. **ANNEXATIONS**

*There was no discussion on this topic.*

15. **RECONSIDERATIONS AND CALL UPS**

CM Medina made a motion to reconsider item 10.a.20 on the ARPA funding for the East Colfax Community College from 150,000 to the full amount. He stated that he worked with many different nonprofits that he knew, and unfortunately, a lot of them didn't get vetted. He stated he sat on as a trustee of the Darren Foundation, which gave out way more money than they did. He would like to create a suggestion for Council and staff that when they do their vetting processes, they should do what Deborah Foundation does, which was to do site visits, because it doesn't really explain everything to him when they would get information on a sheet of paper. The Foundation would ask for their financials and staffing when they vet. They would bring in people from the programs so they could talk to the people that were part of the program. Trustees were also allowed to go to these site visits and would ask the questions that they may have. He added that this suggestion would give them an opportunity to know what's out there in the community and see things that were happening. He wanted to make sure that they're doing their due diligence in the sense of going to the source and being able to ask the questions from the source itself, as opposed to reading a piece of paper, since he has worked with a lot of these groups, and he knew their intentions as well.

CM Coombs stated that when they heard about the item, there was some confusion about the motions that were brought forward. There was some

procedural confusion about whether things were amendments, substitute motions, or whether they were going to be able to vote on both of them. There was a question of whether they could vote for the 150, and then they would also vote for the higher amount, because voting for the lower amount wouldn't preclude that. CM Coombs stated she wanted them to get something out of the ARPA funding, but she would rather have them get all the funding. She added that because of the procedural confusion, they would need to reconsider this item.

CM Bergan stated she voted no originally on giving any money to the organization. She felt that it was partly a political organization, and she thought that the taxpayer money should not go to a political organization. She added that she made the amendment to do the 150,000 instead of the original amount after hearing some of the work. She added that looking at their annual budget, she had a lot of concerns in terms of how much was going into payroll with 558,000 in their 2022 annual budget, nine staff members with 34,000 in employee benefits, contract labor of 9,000, contractors for 32,000, and uncategorized expenses of 10,500 and more. She thought it was fair to offer the amendment of 150,000. She expressed her opinion that when moving forward on any of the nonprofits they have, they should put in higher standards for criteria. They couldn't provide answers on the questions they had during the hearing. CM Bergan stated that although they did some good, she would not support the reconsideration.

Mayor Coffman stated that he met with CM Medina during the interim between the last regular meeting and this meeting, and with the Mayor of Rochester.

Motion by Medina, second by Marcano to support the proposed reconsideration to fully fund the ARPA Nonprofit Grant Agreement East Colfax Community Collective.

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

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

16. **GENERAL BUSINESS**

16.a **ARPA Nonprofit Grant Agreement – Metro Community Provider Network**

Christina McClelland, Grant Development Manager / Hanosky Hernandez, Senior Assistant City Attorney

Christina McClelland, Grant Development Manager, provided a summary on this item.

CM Coombs wanted to clarify if one of the Northwest clinics that they're proposing to give money to renovate was not going to be closed in the near future, as she heard that there was an intent to close one of the Northwest Clinics. S. Todd of the STRIDE Community Health Center stated they were not planning on closing any locations in Aurora.

CM Bergan asked about the amount that would be going towards the renovation. S. Todd stated that the grant amount was 250,000. The total renovation was a little over 750,000. CM Bergan asked if the entire amount was going towards renovation and not towards programming, and if they had sufficient operating expenses. S. Todd stated that the amount was going towards renovations and that they have sufficient operating expenses.

CM Jurinsky stated she had a personal issue with STRIDE. She owned a business right next door to one of their locations. She had photos of the operations STRIDE ran during COVID. She had to sign permission for STRIDE to use her parking lot during the COVID shutdowns. She thought that STRIDE reached out to her via email, and she responded with, "No, thank you." She did not want anything to do with the organization. She stated she had all the documentation of their operation during COVID. She also added that during the first shutdown, she had documents on a male staff member who sometimes had a mask on and sometimes he didn't, would run right up to her laughing. She stated that the staff made comments to get more funding by getting 15 more positive tests on COVID. CM Jurinsky urged her colleagues to vote no on this item as she had a personal experience from STRIDE during COVID. She further added that some of them had masks on, some of them didn't, and some of them had no protective equipment and were running around. She photographed a staff from

STRIDE not wearing the mask and she had to tell the man to put the mask on.

Mayor Coffman stated he would be in support of this item. He remembered its first clinic in Aurora in 1989. He added that they have expanded to meet the needs of the underserved and underinsured in the community, and he couldn't be prouder of the work that they've done. He was in one of their clinics on Peoria to see their work and meet with their new executive director. He further stated that they've been a great partner for the city and he asked the Council to support the amount that was requested.

CM Marcano acknowledged that the Overland Street Clinic has been a huge hit. He has heard a lot of positive feedback from his constituents about the clinic and he recently met with folks from STRIDE to discuss the organization's plans to continue to expand in Aurora and would target those high need areas. He hoped to see a future clinic in partnership with Aurora public schools. He would keep pushing for that at Gateway or Rangeview. CM Marcano thanked everyone for their work.

CM Bergan asked to get accountability reports from the organization on how many served were residents of Aurora and to what degree. S. Todd stated they served over 32,000 residents of Aurora in 2022 at their seven locations. The numbers were in combination of all their services with primary care, behavioral health, dental services, and care coordination. Mayor Coffman added that they had over 90,000 patient visits as well. CM Bergan stated she would support this because of the services that they provided; however, she was also concerned with what CM Jurinsky shared and witnessed and hoped that the behavior within staff would not happen. S. Todd stated she would welcome any conversation to move forward as they're under new leadership at STRIDE and she apologized for CM Jurinsky's experience. She wanted to make sure that what CM Jurinsky experienced would not happen again. S. Todd further added that they have changed their fashion in doing the vaccines and testing. They were now doing in-house in the clinic with their visits. They were no longer doing the type of work that they did when the epidemic first started.

Motion by Marcano, second by Murillo to approve item 16.a.

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

Voting Nay: Jurinsky

**16.b ARPA Nonprofit Grant Agreement – New American College**

Christina McClelland, Grant Development Manager / Hanosky Hernandez, Senior Assistant City Attorney

Christina McClelland, Grant Development Manager, provided a summary on this item.

CM Bergan asked for an explanation if the college would give non-English speaking students tools to apply for college. M. Kobzej, Executive Director, confirmed.

Mayor Coffman asked how they could ensure that the grant monies that they would receive would go to Aurora residents. M. Kobzej stated they have an application and process ready to ensure this.

CM Marcano motioned to approve the item, seconded by Coombs. CM Marcano stated that he was invited to tour the facility in Ward 4 in Aurora about a month or two ago. He stated he was impressed with the program and with the curriculum. The students were making serious progress and they were being set up for success. He met with an Ethiopian business leader in Aurora a few days back, and one of the needs that he told to CM Marcano in the community was that they desperately needed the language learning services, especially folks who recently moved because of the conflict in their country. They wanted to become entrepreneurs and they wanted to go to school. He mentioned the college because he thought that it was a great fit. CM Marcano

thanked the organization for applying for this and they would have his support.

CM Sundberg asked about the number of people going through their program and their age range. M. Kobzej responded.

Motion by Marcano, second by Coombs to approve item 16.b.

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

**16.c ARPA Nonprofit Grant Agreement – Mosaic Unlimited Inc**

Christina McClelland, Grant Development Manager / Hanosky Hernandez, Senior Assistant City Attorney

Christina McClelland, Grant Development Manager, provided a summary on this item.

CM Jurinsky asked Pastor Reid Hettich why his website failed to mention the programs presented and that his website doesn't say the word "kid" or "children." She believed that most churches have some sort of Youth Sunday School Program and yet Pastor R. Hettich's website mentioned none of the things she asked. Pastor R. Hettich responded. CM Jurinsky asked for clarification if Pastor R. Hettich applied as a start-up for these programs or if those were the programs he offered. C. McClelland stated that the application that was submitted was to support the programs that were already in place. Pastor R. Hettich clarified that the application was to launch and build the infrastructure for those programs. CM Jurinsky then asked if they were going to be the crusader of youth programs when they have no kids in their church now. Pastor R. Hettich clarified that they have children in their church and that they have children's programming.

CM Bergan thought that the funding of Strengthening Families was 60,000, as Pastor R Hettich came to the Council last year for the Youth

Violence Prevention Program and asked for monies for the Safe Haven and Strengthening Families programs. Pastor R. Hettich stated that they asked for a total of 99,000 but they only approved 40,000 for the portion of the Strengthening Families. He added that the Council did not support the Safe Haven Program that time. CM Bergan then stated that the reason they did not support the Safe Haven Program was that it was a place for youth to come during violent incidents. She expressed her stance then and now that a church should just open their doors. She thought that taxpayers should fund them by opening their doors, and although they would provide food, there would be plenty of people that would donate. She stated that she did support the Strengthening Families. However, that program has yet to start. They funded that program under the impression that they were starting that program last year. CM Bergan asked if the program was based in Denver or in Aurora. Pastor R. Hettich stated responded. CM Bergan asked if they still had the 40,000 funds. Pastor R. Hettich responded. CM Bergan wanted a verification of the award that was received by the church. She also asked what was spent on the 90,000 marijuana monies in the last few years. Pastor R. Hettich clarified. CM Bergan then asked what was the 15,000 that was given to Pastor R. Hettich under the AER 2 and that the Mosaic Church received 90,000 as well. Pastor R. Hettich stated the AER 2 was a fund that went for general operating as they maintained staffing during that time. CM Bergan stated she had churches in her ward that did a lot of good work. She added that Ward 1 helped the underprivileged voluntarily. They donated clothing, food, and their time. She added that they hadn't come to the City of Aurora for taxpayer dollars. She expressed her opinion that she would take it very seriously in terms of her responsibility to taxpayers and she would make sure that the money was well spent. They awarded monies in the past to Mosaic, they've awarded money in the last youth violence. She stated she doesn't know how her colleagues feel, but she felt the need to put a pause on it until she can see more data. She further stated that the budget had discrepancies from 2021 to 2022. The budget was not detailed and that she had many questions, but she would rather put a pause on it personally.

Mayor Coffman asked if CM Bergan wanted to lay it over again but they would have to provide time for another CM who would want to meet with the pastor. CM Bergan clarified that she wouldn't want to lay it

over again because she thought that there were still monies that have not been spent. She would like to see the results of the program before they allocate more money. They would not want to spend their nonprofit dollars just because they had a \$2.5 million allocation. They could use the money for other city needs. She added she wanted to make sure that they would spend the taxpayer monies to the most effective programs, and that it may not be the case for Mosaic Unlimited.

CM Jurinsky stated she went back to the website and looked for the homeless program since the pastor has mentioned an \$80,000 fund went towards a homeless program. She found nothing on their website promoting a homeless program. They did have a donate button and a gather button on their website. The gather button would lead to their Facebook page. She further stated that she scrolled back for two years on their Facebook page, and she didn't find any post about a homeless program, any type of community outreach, and any Strengthening Families Program start-up in the community. She reiterated that there were no mentions about youth, a Sunday school program, and the words "kids," "youth," or, "children," on their website.

CM Murillo thanked Pastor Reid for joining them tonight and being willing to answer some tough questions. She stated she has worked with the pastor in his capacity with Mosaic Unlimited and even as a representative of the church. She added that she could see how active he and his organization were in the Ward 1 corridor, whenever there was an event held and helped support the Opportunity Center in a collaborative way. She has experienced on-the-ground work that he had done and she looked forward to seeing how he might be able to support the youth as well. She had seen plenty of kids in the Opportunity Center when they were occupying that. They had established that Pastor R. Hettich might want to do some work on their website and she appreciated that they're focusing more on the delivery of services as opposed to a Facebook page or a website, but it needed an upgrade. CM Murillo added that in her experience working with the pastor, he had been very collaborative and very supportive of other organizations that might not be as fortunate to support their efforts as well in the pursuit of providing for community and direct services. She further stated that

she had a different experience and that she had informed her perspective on the vote tonight.

Mayor Coffman thanked Pastor Reid for his leadership on AKCRT. He had been in the church several times and he enjoyed the services as well as the different operations that they offered. He hasn't been in the church recently to where he could match them up with some of the requests that were asked before them. He expressed his appreciation to Pastor Reid and the church. He added he couldn't remember how many churches were within the church, the different ethnic groups, as well as the fact that it turned into a clinic for the underserved on the evening that University of Colorado participated with their medical students.

CM Lawson asked if the organization was to pay for the training for the Strengthening Families Program that Pastor R. Hettich has mentioned, as she wanted to make sure the money they gave from the YVP were intended for Aurora residents. She asked about the fund for the training if they were to pay for the training. Pastor R. Hettich responded.

CM Marcano thanked Pastor Reid for being present. He stated that he had seen Mosaic do good work in the community. He knew that Pastor Reid served a seriously underserved part of the city and the programming that they were provided in the background worked on keeping the social cohesion of the community together. The Strengthening Families Program tackled the root causes of crime and youth violence. CM Marcano stated he was excited to see that and commended their work along Colfax. He stated they would have his support.

CM Coombs echoed her colleagues' sentiments about the work that Pastor Reid has constantly done on the ground in Ward 1 and in 7/20 Memorial Foundation. She asked for the language access that would be available because of the training. Pastor R. Hettich responded. CM Coombs followed-up that the city could lead on making the program more accessible, multiethnic, and have more language access built into the work that they were doing.

CM Bergan asked if they would get funding from Dayton Street Opportunity Center. Pastor R. Hettich clarified that they were housed in the Dayton Street Opportunity Center, and they do get some in-kind from them such as reduced rent space. CM Bergan followed-up that in the P&L from January through December 31<sup>st</sup>, they had an income of 50,000 from Dayton Street Opportunity Center and an expense of 60,000 from them. Pastor R. Hettich clarified. CM Bergan stated that Strengthening Families was a good program. She didn't realize that they had to depend on Denver to get the training and to get the program up and running. However, she could not understand why they would need money to open the doors to youth for the Safe Haven Program when other churches would freely open their doors and ask for donations from the community, especially if there was a horrible incident. Pastor R. Hettich stated there would be no hesitation from them or most churches to open their doors and explained the programming. CM Bergan appreciated the efforts they made. She explained that they could do that without the city taxpayers' monies. They could call the church and have a free training session. She stated she could not support that part of the request. She suggested for them to come back to the Council at a different date and have them lay out the program since there were no specific details to justify the funding for the Safe Haven Program.

CM Sundberg thanked the pastor for being present. He recognized the pastor's presence around the city, and he believed that he was a person of a unifying nature. He looked through the 2022 Operating Budget and the other was a Profit and Loss from 2022. At the end of the year, it seemed there' was a 101,000 difference between what staff was allocated to be paid and what was actually paid. He stated that a document showed that 110,000 was allocated to staff. However, he saw at the end of 2022, that the staff contractors received only 10,000. Pastor R. Hettich clarified. CM Sundberg didn't doubt their work and he would love to see on paper some of the historical progress of the programs to now.

CM Bergan expressed her opinion that she was confused with the inconsistencies, the accounting, the budgets, and what the program really was. She would let Pastor Reid come back in the summertime after they get their money on the Strengthening Families Program. She

suggested getting the program started before he comes back to the Council with a detailed plan for the Safe Haven Program to be reconsidered. Pastor R. Hettich stated he would love to come back and have that conversation regardless of how the vote would go.

CM Medina stated that he and Pastor Reid had been in the neighborhood for a long time. Pastor Reid was instrumental in that community as far as getting youth and adults together. CM Medina remembered those things, being on the ground, and doing all the things that the pastor was currently doing. They both see each other quite a bit in the North or they were in the same meetings most of the time. He stated that they needed to understand the dynamics in the North, as it was very diverse. They both had many things they do for navigation that the city doesn't have access to. They don't have people that speak certain languages in those neighborhoods or the city didn't hire those people. They had to reach out to people who have connections in those communities to have the resources, and be able to disseminate information that the city had. CM Medina stated he would support this because he knew the pastor's intentions and he knew what the pastor did in the community. He was there every day to see the results in the community. He urged everyone to be on the ground, as he was on the ground every day in those communities, which is why he and Pastor Reid would run into each other almost at every event because they were always in the same circles circumventing the community.

Mayor Coffman explained that he would vote yes for now, but they would need to go over what they're doing to have his support in the future.

Motion by Murillo, second by Gardner to approve item 16.c.

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

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

17. **REPORTS**

17.a. **Mayor**

Mayor Coffman informed he had the most extraordinary visit recently in terms of what he would consider a youth violence prevention or helping at-risk youth. He went out with Boys Club Girls Club of Metro Denver, who have closed down the one facility they have on Colfax and Beeler. They've gone into five rural public elementary schools. The one he visited was a K-8 Boston Preparatory and he stated that it's one of the most incredible, cost-effective programs he had seen, where it was an after-school program that continued activities and had therapists to address mental health needs and behavioral health needs. He informed that the program would go until 6:30 p.m. for parents that need their children to be there. They would also be open for eight weeks in the summer in the school till 5:00. He stated he would set up a visit there. He invited all Council Members to go with him. He stated that they may get some support from the City of Aurora and other entities, but they could certainly look at increasing that support with some of their youth violence prevention intervention funds.

17.b. **Council**

CM Lawson stated that they have assigned the FSIR Committee positions and they could expect more clarity on the appropriations process moving forward. She informed that the City of Aurora provided testimony today in support of Senate Bill 2375 Deletion of Childs' Names from Criminal Records. Last week, the City had met with Representative Lindsay to discuss issues facing Aurora and supported Representative Lindsay's bill, House Bill 23-1123 Move Over or Slow Down Stationary Vehicles.

CM Jurinsky informed that all four at-large Council Members would have an at-large town hall meeting on March 29, 2023, Wednesday, from 6 p.m. to 8 p.m. at the Southeast Recreation Center.

CM Zvonek informed that he would make an appointment to the Citizens Charter Review Task Force to appoint Mike Celetti. The appointee would need to submit an application before the deadline.

CM Murillo stated if they could mute half of the things said behind the dais, as they were rude and disrespectful. She acknowledged and thanked Royal Up, a new organization that served the youth in Aurora. The organization had their annual fundraising banquet on February 4<sup>th</sup>, but they were unable to attend because they were at the winter workshop. CM Murillo informed them that she received an award from them. She wanted to thank them for all the work that they've done, and she looked forward to continuing to support them. CM Murillo also informed that she would have her town hall meeting on the 4<sup>th</sup> Thursday of the month at the MLK Library. The interim police chief as well as Adams and Arapahoe County Health Department would join the town hall meeting.

CM Sundberg stated they had a group of Ukrainian orphans who visited Aurora. There were close to 14 of them, ages 10 to 16. They arrived at the DIA the next morning. He hosted a pizza party for them at his place and learned a few things. He stated that they were great kids and that they didn't like ice in their soda, and they ate mostly French Fries. The kids have lost a parent in fighting wars, but they were optimistic and positive kids. The business leaders showed them a good time by being involved in various things. However, they had to go back, but he informed them that they were looking for some adoptive services.

CM Medina announced his council meeting coming up on March 1, 2023, Wednesday in the AMC Aurora Room and they would be talking about code enforcement.

CM Marcano announced their next Ward 4 meeting on March 9, 2023, Thursday, at 6:30 p.m. at the Colorado Early Colleges at 1400 South Abilene. He informed them that they would be discussing the state of housing in the city, the obstacles to affordability, and the options they have at their disposal to build more housing in the city. He hoped to see everyone in the meeting. He also informed that he would like to appoint Zachary Heaton to the Citizen's Ad Hoc Charter Review Commission.

CM Coombs announced her next town hall meeting on February 21, 2023, Tuesday, at the Central Recreation Center. They would be discussing intergovernmental cooperation. Arapahoe County Treasurer Michael Westerberg would be attending the meeting together with other elected officials to be announced. On February 25, 2023, she informed them that they would have

their quarterly Saturday meeting at Mission Viejo Library at 10:30 a.m. with a presentation from the Aurora Library Board.

CM Bergan informed that she was able to attend a trail ceremony dedication at the Inspiration Metro District. They were able to cut the ribbon for the portion that the Inspiration Metro District funded. She hoped for the completion of Piney Creek Trail Connection. She thanked a group of 20 people for pushing those forward. She further added she would be watching the Mosaic Unlimited very carefully. Mayor Coffman echoed this and stated that if the issues would not be satisfied, he would be the first to oppose the funding in the next fiscal year.

Mayor Pro Tem Gardner did not have a report.

18. **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.*