

MINUTES

Regular Meeting of the Aurora City Council Monday, February 28, 2022

1. **RECONVENE REGULAR MEETING OF FEBRUARY 28, 2022, AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for February 28, 2022, at 6:30 p.m.

2. **ROLL CALL**– Kadee Rodriguez, City Clerk

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

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

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

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated that during Executive Session, legal advice was had and discussion on negotiations.

6. **APPROVAL OF MINUTES**

None

7. **PROCLAMATIONS OR CEREMONIES**

None

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

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

9. **ADOPTION OF THE AGENDA**

Mayor Coffman requested to move Item 11a after Item 14a. CM Coombs requested to move council reports to the next Study Session of the Aurora City Council.

Motion by Bergan, second by Zvonek, to move item 11a after 14a.

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

10. **CONSENT CALENDAR**

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

- 10.a. Consideration to AWARD CHANGE ORDER NO. 3 to a guaranteed maximum price contract to Saunders Construction, Inc., Centennial, Colorado in the amount of \$222,132.00 for the Southeast Recreation Center (SERC) Project, Project No. 5727A

Sponsor: Françoise Bergan, Council Member

John Perkins, Senior Project Manager / David Lathers, Senior Assistant City Attorney

- 10.b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Harrell's LLC, Colorado Springs, CO in the amount of \$72,243.10 for spring fertilizers and application services as required by PROS/Golf Division at the city's five golf courses

Doug McNeil, Manager of Golf, PROS / Dave Lathers, Senior Assistant City Attorney

Motion by Bergan, second by Jurinsky, to approve items 10a – 10b.

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

11. **RESOLUTIONS**

- 11.a. Resolution to provide a shelter option for individuals in an unauthorized camp - 2022

R2022-49 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT TO HAVE SUFFICIENT SHELTER OPTIONS FOR INDIVIDUALS AND FAMILIES IN AN UNAUTHORIZED CAMP

Sponsor: Mike Coffman, Mayor

Tim Joyce, Assistant City Attorney

Council Member (CM) Murillo asked the city attorney how this resolution differs from what is already being done through the implementation of the housing strategy as it expands housing options. Tim Joyce stated the city needs more options available to continue abating camps and providing services to people experiencing homelessness. CM Murillo asked if they are already doing that with the current housing strategy. T. Joyce stated the housing strategy focuses on permanent housing while the shelter option focuses on temporary housing and services. CM Murillo further asked for clarification as she was under the impression that the city is already pursuing options to shelter the unhoused population. J. Prosser stated they are looking at temporary shelter options by utilizing COVID dollars. CM Murillo asked for clarification regarding conversations for a homeless shelter facility that will utilize the \$5 million allocated from ARPA dollars. J. Prosser confirmed these conversations are currently happening and could be one of the options on the list of different solutions. CM Murillo highlighted shelter options are already being pursued regardless of the resolution on item 11a.

Mayor Pro Tem stated this resolution may just be used to direct staff and put in writing that they are asking for shelter alternatives to come forward at a different date. She clarified that the \$5 million was set aside and may be used for other ideas to help the unhoused population. J. Prosser stated a homeless shelter is how it was broadly stated. CM Lawson asked how many shelters would be available when this becomes effective after 30 days. J. Prosser stated there are currently 200 to 250 shelters available. CM Lawson asked if a person could sue the city if they are offered a shelter space, but it is not available once they go there. City Attorney clarified that if there is not an option available, the camp is not abated. CM Coombs commented they are creating a minimal amount of shelter for the purposes of being able to abate more camps and not for the purposes of really addressing this issue. She asked Jessica if they would be bringing back funding requests adequate to meet the full need. Jessica clarified they would bring back a list of options with associated costs. CM Marcano commented he would like to see a permanent supportive housing plan with the costs and opportunities for partnership to be brought up.

Motion by Mayor Coffman, second by Zvonek, to approve item 11a.

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

Voting Nay: Murillo

11.b. YVPP Resolution

R2022-50 A RESOLUTION BY THE CITY COUNCIL OF AURORA, COLORADO, TO RECONSTITUTE THE CITY OF AURORA'S EFFORTS AROUND GANG REDUCTION AND INTERVENTION AND YOUTH VIOLENCE PREVENTION

Sponsor: Angela Lawson, Council Member

Peter Schulte, Public Safety Client Group Manager

Council heard the public testimony on the item.

CM Lawson commented this program is not going back to the police department as it is aimed to address the youth violence in the community. She stated that the AGRIP Program would still be implemented if the photo red light program was not eliminated in 2018. She highlighted that the program and the funding are the same but allow more focus on intervention and prevention of youth violence. She clarified that the program is not downsizing; it is just reallocating resources. CM Lawson adds that the leader of community housing will continue to find the gaps in the program which then allows the program to be expanded. Mayor Pro Tem Bergan echoes that violence in Aurora and the Metro Area is affecting the youth and resulting in shootings in the city. She clarified this program helps prevent crime against people of color. 80% of the funding will go towards intervention, while 20% will go to prevention, and nonprofits are given opportunities for funding for prevention programs. CM Lawson and Mayor Pro Tem Bergan asked for the council members' support for this program. CM Zvonek expressed his support for this resolution and thanked CM Lawson for her work on this program. He mentioned the first presentation of the Youth Violence Program lacked the focus of the AGRIP Program. In CM Zvonek's conversation with Omar Montgomery, head of NAACP, regarding youth violence, Omar said one of the biggest losses in addressing youth violence in the city was the dissolution of the AGRIP Program due to the loss of funding from the elimination of the Photo Red Light.

CM Marcano highlighted that to reduce youth violence is to address the root causes such as socioeconomic inequities and social vulnerability. He mentioned an audit for the AGRIP Program came back inconclusive due to it not being well-run. He expressed concern that this program would be reactive as opposed to being proactive. CM Marcano stated some of the founding principles of AGRIP were incorporated into the Youth Violence Prevention Program (YVPP), but it was more robust, and the Youth Violence Prevention manager understands there is a lot more to youth violence prevention than gang intervention. He stated the Boner Boys, a Discord server, as an example that traditional gang intervention programs are not going to address the issue. He further expressed concern regarding this program allowing people to be thought of as 'snitches' which leads to more alienation and a continuation of bad outcomes and mistrust in social networks. He stressed focus must be redirected to address root causes and the Youth Violence Prevention Program, as it stood, did a better job with this. He urges Council to invest in the community and make up for the longstanding inequities and injustices in the city. He stated he will not be supporting shifting the current program as it is not going to be effective based on the data that has been presented. Mayor Pro Tem Bergan stated addressing the root causes is a long way away and the problem with youth violence must be addressed immediately. She highlighted the program is looking at intervention as a priority.

CM Murillo asked for clarification from the city attorney on procedures regarding calling up an item for further discussion once it has been voted on. City Attorney stated any council member has the prerogative to put a resolution to Study Session or to the floor. If one fails after a vote, a member of the prevailing side may bring it back for a vote for reconsideration. CM Murillo commented the initial presentation of the YVPP has a well-researched five-year plan with community input from youth on the types of programming that they believe would impact youth violence prevention. She stated YVPP turned narrowly this year, which may be due to the change in the political composition of the Council. Now, the focus has shifted to gang violence prevention. CM Murillo expressed her opposition to reducing the impact of the services and scope of the program. She highlighted that AGRIP was only focused on gang reduction and intervention and stated that youth violence prevention is not synonymous with gang reduction. CM Murillo said she will be supporting this resolution in order to be on the prevailing side of the

vote and be able to have additional discussion regarding this issue. She further expressed her support for funding programs for youth violence prevention but opposes the difference in what was shared to the community regarding this project and the change in its scope.

CM Coombs asked for clarification regarding the shifting of 80% of the funding to reinstitute AGRIP and if this would just relabel intervention efforts planned or change the direction of the program in terms of intervention programs. Christina Amparan, manager for the Youth Violence Prevention Program, stated the shift in funding would still support the intervention programs. She clarified the major shift to AGRIP would impact the programmatic side. Serving high-risk identified gang members, which is the goal of AGRIP, is only a small portion of what YVPP is currently serving and looks to serve. CM Coombs asked if a narrower intervention program and lesser prevention programming would be done instead of what was initially presented. C. Amparan agreed with this and stated that AGRIP only focused on high-risk gang members, while YVPP is focusing on at-risk and high-risk considering that most of the violent crime is not being committed by identified gang members. CM Coombs expressed her objections with framing intervention efforts to be focused on gangs and will not support prioritizing only interventions in gangs since this would not ensure that all youth at risk of being victimized or engaged in violence will be served. She highlighted there are other risks and protective factors based on the in-depth study staff has conducted. CM Coombs stated she would support prioritizing intervention and shifting 80% of funding to intervention and 20% to prevention as recommended by staff based on gathered data. Mayor Pro Tem Bergan asked if the decision in the 80-20 allocation was the direction for the RFP process. C. Amparan confirmed this to be correct. CM Lawson highlighted a portion of Section 2 in the resolution stating that this is to support a collaborative approach to reduce gang and youth violence in the city. She stressed this program is not just for gangs but is for youth violence and it is aimed to refocus and redirect the AGRIP Program. She further stated they are doing the RFP process for nonprofits.

CM Medina gave context on AGRIP as he has worked on this program when it was first implemented in Northwest Aurora. He highlighted they were specifically targeting gang members. He expressed concerns with the word 'gang' as this becomes the label for other youth. CM Medina shared the issue of a youth that carried a concealed weapon because he felt unsafe and was trying to protect themselves, not because he was a gang member. He stressed the word 'gang' must be taken out of this resolution and must focus on addressing root causes such as poverty and mental health. CM Coombs clarified her objection is not about the nonprofits that can apply but the actual programs that will be implemented and the focus on gangs. Mayor Pro Tem Bergan stated this resolution addresses both gangs and youth violence.

CM Coombs asked why there is a shift to AGRIP and not just a shift in the prioritization of funding within the YVPP if the intent is not to primarily make the program about gangs. CM Zvonek highlighted the resolution states this is intended to end violence among youth and bringing back AGRIP makes a more focused and intentional effort to address this issue. Mayor Pro Tem Bergan agreed with CM Zvonek and stated the AGRIP Program has a good foundation which is why it was chosen to be brought back. CM Murillo highlighted the AGRIP Program's focus is gang violence prevention and implements a comprehensive gang model limited in scope. This would then reduce services being offered to youth. She stated she welcomes future conversations to delineate gang reduction and youth violence prevention and asked for clarification regarding the conversation of CM Zvonek and Omar Montgomery. She asked if Omar supported the resolution. CM Zvonek clarified when he was getting input during his

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campaign, Omar suggested the AGRIP Program was a loss to the city since it was a good program. However, he did not specifically state he was supportive of this in reference to the resolution being voted on during this council meeting.

Motion by Jurinsky, second by Bergan to call for the question.

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

Voting Nay: Coombs, Marcano, Medina, Murillo

Motion by Lawson, second by Jurinsky to approve item 11b.

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

Voting Nay: Coombs, Marcano, Medina

11.c. First Amendment to the Amended and Restated IGA with RTD at Iliff Station Parking

R2022-51 Consideration to APPROVE A RESOLUTION for the First Amendment to the Amended and Restated Intergovernmental Agreement (IGA) Between the City of Aurora and the Regional Transportation District (RTD) for the Initial Parking Management Plan for the Iliff Station Parking Garage

Staff requests a waiver of reconsideration due to need to extend current IGA that terminates February 2022.

Bauman, Scott, Parking Manager / Michelle Gardner, Sr. Assistant City Attorney

Scott Bauman, Parking Manager, provided a summary of the item.

CM Marcano asked if the garage is fully paid for and if dropping or eliminating parking fees have been discussed since it would incur a recurring \$30,000 cost to the city. Scott confirmed that the garage is paid in full. CM Murillo is looking forward to seeing developments on this. She adds that state legislation was passed to give RTD the flexibility to explore this as a potential source of revenue to make a far-reaching system sustainable.

Motion by Marcano, second by Bergan, to approve item 11c.

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

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

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

12.a. Buckley Space Force Base Parcel Zoning Map Amendment from POS to APZ Zone District

2022-11 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING 10.532 ACRES OF LAND, MORE OR LESS, GENERALLY LOCATED NORTH OF JEWELL AVENUE AND EAST OF THE PLAINS CONSERVATION CENTER, WITHIN THE CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO, FROM PARKS AND OPEN SPACE DISTRICT TO ACCIDENT POTENTIAL ZONE DISTRICT, CLEAR ZONE SUBAREA, AND AMENDING THE ZONING MAP ACCORDINGLY (BUCKLEY SPACE FORCE PARCEL REZONE)

Karen Hancock, Principal Planner / Daniel L. Money, Sr. Assistant City Attorney

Mayor Coffman opened the public hearing on the item.

Karen Hancock, Principal Planner, provided a summary of the item.

Mayor Pro Tem Bergan asked for clarification regarding the exception to allowing no active or passive land use. Karen Hancock answered that active and passive land use would not be permitted unless requested by Buckley.

Mayor Coffman closed the public hearing on the item.

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

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

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

14. **INTRODUCTION OF ORDINANCES**

14.a. Unauthorized Camping Abatement Ordinance

2022-12 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING A NEW SECTION TO BE NUMBERED 94-122 TO THE CITY CODE PERTAINING TO PROHIBITING UNAUTHORIZED CAMPING ON PUBLIC OR PRIVATE PROPERTY AND ADDING ARTICLE IV, SECTIONS 114-106 THROUGH 114-112 TO CHAPTER 114 PERTAINING TO ABATING UNAUTHORIZED CAMPS ON PUBLIC PROPERTY

Sponsor: Mike Coffman, Mayor

Tim Joyce, Assistant City Attorney

Mayor Pro Tem Bergan opened the public hearing on the item.

Council heard public testimony on the item.

Mayor Pro Tem asked for respect from the public and reminded people to refrain from using personal attacks and keep comments on the topic of the camping ban.

Council Member Marcano called for a point of order and stated that the First Amendment applies to everybody.

Mayor Pro Tem Bergan clarified that she asked politely for people to refrain from personal attacks as it is disrespectful and agreed that it is a First Amendment right. She stated that the meeting will be called into a recess if disruptions continue and no one else will be able to talk.

Mayor Pro Tem Bergan called for a recess.

Mayor Pro Tem Bergan called the meeting back in order.

CM Marcano asked what happened. Mayor Pro Tem clarified that there was no more public comment from those in the chamber and that they will be moving on to the call-in line.

Mayor Pro Tem Bergan re-opened the public hearing on the item.

Council heard public call-in testimony on the item.

CM Murillo acknowledged the intense dissension of prior council meetings and stated that contention can get intense. However, this item is an important conversation, and any potential discussion should not be thwarted. She stated that CM Marcano and herself have amendments since there are structural concerns with how the ordinance is written. She stressed that the procedure to call for the vote has been used to discourage and shut down any public discussion between council members on the agenda item and urged other council members not to call for the question until discussions regarding amendments have been done.

CM Marcano made a motion to amend the proposed ordinance and began to present a series of amendments. Mayor Coffman asked to debate and vote on each one separately. Mayor Pro Tem Bergan said that she would rather not vote on each separately. CM Marcano stated that he is fine discussing each item and will make sure that the public is clear on the topics and that other council members may ask questions. Mayor Pro Tem Bergan said that CM Marcano can go through the amendments and there will be an open discussion on its entirety. CM Marcano presented the proposed amendments then shared a story about a person experiencing homelessness relating to Section 104-106.

Mayor Coffman asked to go through the amendments. He deferred to Counsel regarding the definition of arrest and temporary detention as referred in the amendment to Section 94-122(3). He further explains that there are no fines for an unauthorized encampment. He asked, in terms of language, what gives the authority for APD to move an individual that refused to move to an alternate shelter. Tim Joyce, City Attorney, stated that if a person refused an offered shelter option, they may be issued a criminal citation. He further mentioned that 'temporarily detain' is a vague term not defined in the law, whereas the term arrest has been litigated extensively in criminal law and has defined parameters.

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Mayor Coffman asked for clarification regarding language on Section 94-122(3) on camping on public property. T. Joyce stated that this ordinance makes it a criminal act to camp on public property but does not make camping on private property a criminal act. He stated he does not have legal concerns regarding the amendment to Section 94-122(3)(a) and said that it further clarifies the purpose of the agenda, but this has been stated before and maybe considered redundant language.

Mayor Coffman asked for clarification regarding the terms realistic, practicable, and safe. T. Joyce stated that these terms are not defined and may be considered vague and subjective. In addition, they could open the ordinance up to litigation. Mayor Coffman commented that it is already understood that the city must provide shelter for the individual in reference to amendments on Section 94-122(3)(b). T. Joyce clarified that a shelter option must first be available prior to abatement. Both Mayor Coffman and T. Joyce stated that they are not sure of the purpose in striking 'Exception to this section' on Section 94-122(3)(c).

Mayor Coffman further asked for clarification regarding the specification of a written offer of a shelter option. T. Joyce said there is a concern regarding the meaning of 'in writing' and what it constitutes. This would make enforcement difficult. He reiterates that the terms 'realistic, practicable, and safe' are vague. Mayor Coffman asked for clarification regarding the amendments to Section 94-122(4). T. Joyce stated that the general penalty provisions of the city code do not apply for violating this ordinance. He mentioned that the amendment specifies that the punishment should be a fine and community service. He stated that this is all practical and a policy decision.

Mayor Pro Tem Bergan commented that the amendments constitute a competing ordinance and must be voted on in its entirety.

Mayor Coffman asked for an explanation regarding the amendments to Section 104-106. City Attorney stated that striking those may cause the ordinance to be declared unconstitutional and that those definitions were put there because case law requires that exception. He further explains that striking blankets would create a loophole.

Mayor Coffman asked for clarification regarding the amendments to Section 104-107. T. Joyce stated that case law does not require the city to have a shelter option available for every person that's homeless in the city before criminalizing being in an unauthorized camp. This amendment makes the ordinance difficult to enforce. Mayor Coffman asked for information regarding the situation in Denver with the court order as it related to amendments on Section 114-110(1). City Attorney stated that the seven-day advance notice that Denver uses came from a settlement of their first lawsuit. The Judge ruled that Denver must abide by what was agreed after they got sued for a second time for not following the settlement agreement. The judge also allowed Denver to abate camps when there was a public health threat or a safety threat and allowed that abatement the advance notice of 48 hours to be sufficient. Tim Joyce highlighted that the 72-hour notice for Aurora is a compromise between the seven-day notice and 48-hour notice in Denver. He stated that most of the items that have been used in the past six months to abate a camp have been issues of public safety and public health. These reasons were evidence of fires, hazardous materials, fecal material; the camp location interferes with stormwater maintenance or is in an area prone to flooding; unauthorized electrical connections; and limited access for

emergency services. T. Joyce shared an incident of a fire under Colfax where a fire personnel had to be withdrawn due to safety issues. Mayor Coffman expressed that he stands in opposition to the Marcano strike below amendment.

CM Marcano reiterated that the only thing that was changed for the notice was making it into a seven-day notice from a 72-hour notice. Regarding the terms 'realistic, practicable, and safe,' CM Marcano clarified that "realistic" means that it exists; "practical" means that it is ready to be used; and "safe" means that it follows HUD definitions for what is considered safe and dignified shelter space. He added that it was his understanding that people would still be considered publicly camping, even if they were using a blanket, when they are sleeping outdoors. He clarified that the intent of removing "blanket" was to not inadvertently consider someone reading a book with a blanket on a bench at night to be considered as someone who is publicly camping. He further stated that a blanket can be an accessory to camping but does not make camping in and of itself. CM Marcano asked for clarification regarding the method of the city with unhoused people ending up in the criminal legal system being charged with disorderly conduct. He further added that the amendment to Section 94-122(4) is put into place since no one is being cited for the act of camping outdoors but may be charged for disorderly conducted which may effectively criminalize homelessness. T. Joyce answered that the charge is only for Section 94-122. He clarified that only using a blanket to sleep overnight is considered a violation of the ordinance and not napping or picnicking and using a blanket during the day. CM Marcano restated that the goal of this amendment is that someone who is reading a book under a lamp on a bench at night is not considered to be camping. He said that overnight occupancy is clearly in violation of the ordinance, but this act may be done with or without a blanket, making it unnecessary to include blanket under the definition of shelter for encampments. T. Joyce stressed that eliminating the term blanket will create a loophole wherein people camping overnight will be allowed to do so if they use a blanket. CM Marcano stated that it would be worth considering as a friendly amendment if the City Attorney would present better language. T. Joyce stated that those terms are unnecessary language altogether.

CM Murillo commented that the process to review the amendments was frustrating and that they should have been taken separately. She further stated that the call for the vote on the Marcano amendment shut down the discussion on this important topic. She expressed her disappointment that a procedural maneuver was enacted to shut down the conversation. CM Murillo added that the amendments should have been discussed separately instead of hearing biased comments from the city attorney that drafted the legislation. She proceeded to present her proposed amendments.

CM Murillo explained that for this ordinance to be enforceable the city needs only to offer a shelter yet does not need to have the necessary number of shelter beds. She stated that if a person accepts to be relocated to a shelter, and the city does not have enough beds to accommodate that camp, then it is unenforceable. CM Murillo said that there needs to be more clarity and definitive language that this should be only enforceable if and when the city has enough shelter beds.

Mayor Pro Tem asked if the city usually identifies a single encampment prior to offering shelter alternatives but does not ban all encampments in one night. Tim Joyce clarified that case law does not require the city to provide shelter for the homeless. He added that they

do not have an accurate account of the number of homeless in the city and that the city does not have shelter options for every single person experiencing homelessness in Aurora. He added that CM Murillo's amendment will prevent the abatement of any camp. Mayor Pro Tem asked for clarification that this would make the ordinance unenforceable. T. Joyce affirmed. CM Murillo stressed that not having enough shelter beds interrupts the narrative of this ordinance being humane. She adds that the accompanying resolution means literally nothing because the city manager will be directed to create enough shelter beds, except for this to be enforceable, the city does not need to have enough shelter beds. She asked what the point in time count is and who defines the legal amount of people experiencing homelessness in the city. T. Joyce mentioned that the way CM Murillo wrote this amendment may be changed. He clarified that the point in time count varies weekly and is used for HUD financing purposes. He used the Mayor as an example and stated that they did not need to provide him a shelter option before giving him a ticket. CM Murillo stated that she is not talking about somebody pretending to be homeless and that Tim's example was unhelpful. She further asked for clarification regarding the point in time count being used as a benchmark. Jessica Prosser answered that the point in time count is a good estimate and is usually an undercount. In the seven-day activation they served 160 to 180 individuals that came into the shelter out of encampments. She further stated that they do not have a specific count at any given time as it fluctuates due to people coming and going.

CM Murillo asked which number would be the best to use and stated she is open to rewrite this amendment to make it clearer. CM Coombs reiterated the need to address the unsheltered people in the city. She stated that they would be directing the city manager to create 10 beds that are routinely available to abate any camp of the size of 10 people, and that this will cycle people through those 10 beds and then sweep them along. She stressed that this does not provide a solution and may incentivize mega camps just as they have occurred in Denver. CM Coombs provided an example that if there are 70 people in a camp and that 70 beds are not available, that camp would not be abated and stressed that CM Murillo's amendment would aid in addressing that problem. CM Murillo asked Jessica Prosser for suggestions as to language. J. Prosser said that they would add that the city would need shelter space available for the camps being abated at that time. CM Murillo asked for clarification that this does not mean that there will be shelter available for all people experiencing homelessness prior to abatement. J. Prosser affirmed. T. Joyce provided language for this amendment. He said that this may be rewritten as those in the encampment or those identified in the point in time count for the year. He adds, however, that this would make the ordinance unenforceable. CM Murillo stated that she would leave the language of her proposed amendment as is and that she does not agree that the city needs only to have a sufficient number of beds for the camps being abated and not for all those experiencing homelessness.

CM Murillo presented a second amendment and clarified that the purpose of her second amendment is to codify how the city will handle people's belongings. Mayor Pro Tem Bergan asked Jessica Prosser if there is space at the Day Resource Center for storage. J. Prosser answered that there is limited space and only small and personal items may be stored. She stated that in practice, personal documentation is set to the side. Mayor Pro Tem asked if outreach vans would be able to get the individuals to the lockers and if there would be storage for personal items. J. Prosser confirmed that people are offered a ride and they can take their items with them but there would not be any space for storage. Mayor Pro Tem

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asked if there are buildings such as vacant buildings, the library, or AMC that may be used for this purpose. The city manager stated that there is a building that is under renovation and some that are small and not in good shape. He added that they could do an inventory for the Council but expressed concern regarding the items being brought into the buildings in terms of cleanliness and responsibility. Mayor Pro Tem expressed that she would like to do this and is open to looking at how this amendment may be accomplished.

CM Gardner stated that the government should not take property and destroy it. He asked how personal items would be defined. J. Prosser stated that identification, medication, passports, and other important documents are not to be discarded or destroyed but are set aside, be taken by street outreach, or are left on site until somebody comes back for them. CM Murillo added that people are also carrying articles of clothing, tents, blankets. CM Gardner asked how they would verify ownership. Mayor Pro Tem asked if the amendment may be worded that the city will make all efforts to secure belongings so as not to state that the city will guarantee storage. T. Joyce stated that may be too vague and difficult to define. CM Gardner asked if CM Murillo would be open to adding a length of time so the city does not have indefinite storage of materials. CM Murillo agreed to this and added that they could add a tag to somebody's property to help in the verification of ownership. CM Gardner asked staff what the process and cost would be to implement this. J. Prosser stated that other cities have a trash can for people to put their belongings for 72 hours until the abatement company comes to collect them. Other cities place belongings into evidence, which may be a problem due to storage and identification. City Attorney added that in Denver, a person would be asked if they had anything to store. If the items are storable, they are set aside, and the individual would be given a receipt to identify their container that they can claim after a certain period of time.

CM Zvonek expressed concern regarding determining ownership of items that are potentially stolen. CM Coombs stated that they can direct staff to establish a process for this and stressed the negative consequences of losing documents to the ability of individuals to get housing. CM Murillo stated that she can work on the language and look into the process that Denver uses. CM Murillo retracted her second amendment and said that this will be brought up next time. Mayor Pro Tem supports bringing the amendment back with more language.

CM Murillo presented another amendment to the ordinance. She explained that adding Section 11 would allow for the reevaluation of the program and see the result of the abatements. Mayor Coffman stated that he opposes the sunset for the ordinance. CM Murillo clarified that for her amendment, it stated that the ordinance shall be in effect until one year from the start date and a review will follow. The City Council can then vote to reaffirm the camping ban ordinance.

CM Marcano stated that a sunset has been done by council before for the Vehicular Nuisance Ordinance. He added that this does not mean that the ordinance will die after a year because if it is working, it would be renewed. He added that it would be a good way to show people that are not in complete agreement with the ordinance that it is worthy to demonstrate the efficacy of the policy. Mayor Pro Tem asked city attorney for the language on the Vehicular Nuisance Ordinance. City attorney stated that CM Murillo's amendment can be written as a review in a year instead of a sunset. CM Murillo asked why they would continue an ordinance that is not effective. Mayor Pro Tem clarified that it would be

reviewed and if found ineffective, it would then not be renewed. CM Murillo stated that she would prefer to include the sunset date, but this can be removed. Mayor Coffman clarified that the term sunset would mean that the ordinance would automatically go away. But changing the term to review would still allow the ordinance to not be renewed based on votes. CM Lawson asked for clarification that a council member can bring up an ordinance for review regardless of the timeframe. CM Gardner expressed concern regarding the language. He stated that having the first sentence would make the annual report a moot point since the ordinance would automatically go away. He stated that the only way to make the annual report worthwhile is to have a review after one year. CM Murillo stated that there should be a language around a date to evaluate the effectiveness of the ordinance. CM Marcano stated that for the Car Smoker's Ordinance, there was language when it came up to review that it required someone to move and second to keep it in effect. CM Murillo agreed that would be a way to address the points that she mentioned.

CM Marcano stressed that this ordinance and what it does is being misrepresented. He shared a situation wherein people camping on I-225 were abated and moved from place to place and ended up back on I-225. CM Marcano stated that this ordinance is cruel and inhumane and does not change the living conditions for both housed and unhoused constituents. He stated that investing in housing first would be the solution to this problem. He highlighted Helsinki and Houston as examples. Mayor Pro Tem stated that the situation which CM Marcano illustrated happened when the camping ban ordinance was not yet in effect and that his ordinance requires the city to have shelter for the unhoused population. She mentioned that the city spent \$4.1 million on homeless services using resources such as ARPA and CBDG. CM Coombs pointed out that there are programs and funding for the unhoused population but \$10 million was taken out of the original proposal that was meant to be put toward shelter solutions. She mentioned they are now discussing not necessarily using the \$5 million that was put aside and stated the council is not doing everything they can do. CM Marcano suggested the council stop abusing the call to question and to allow council members to have discussions. He added that the city does provide homelessness services as patchwork services but none of these are the solution to the problem. He stated the Housing First Model of Houston and Helsinki do not rely on those patchwork services. They get people housed and connect them to appropriate services. He stressed this ordinance is a soft camping ban and will not provide the permanent supportive housing that is demonstrated to work in addressing the problem of homelessness.

CM Murillo reiterated there are issues in this ordinance that are structurally flawed. It has been made clear the city only needs to offer shelter but not actually have the number of shelter beds. In addition, staffing times regarding this ordinance have not yet been explored. During the first presentation of the ordinance, CM Murillo asked staff regarding issues in processing abatement requests. Staff stated that in 2021, there were three times the number of complaints to abate different homeless encampments. Despite the increase in complaints and calls for service, the number of staff remained the same. Early this year, however, a person was hired to fill this position as it was incorporated in the 2022 budget. But it is still premature to determine the effectiveness of the position. In terms of the ordinance being costly and inefficient, CM Murillo stated this would open the city up to legal liability lawsuits. CM Murillo added the APD is understaffed and there are other calls that they would like to prioritize over sweeping people experiencing homelessness. This ordinance would divert APD staff away from addressing major crimes and youth violence.

- ◆ ***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.***

CM Murillo stressed her position on opposing this ordinance due to the ineffective use of staff resources. She stated the housing department would need to hire another full-time staff to manage the implementation of this ordinance. She looked to Denver's camping ban where they spend millions of dollars abating camps, yet it is still ineffective. CM Murillo highlighted the importance of focusing on funding a strategic housing plan such as the one implemented in December 2020. She adds there is a proposal to create a homeless campus or housing campus in the Anschutz Medical Campus. As opposed to being reactive, CM Murillo stated they should be proactive in funding the things that are already in place instead of resolutions that have no teeth and with language that does not align with the narrative and rhetoric about it being compassionate.

CM Lawson expressed concerns regarding the 72-hour notice given that different areas are under different agencies with differing policies such as the I-225 under CDOT and the Cherry Creek Park. She added there should have been conversations with the state about parts of the city that could not be abated through this ordinance which allows unhoused individuals to move to those spaces. CM Gardner expressed appreciation for all the commenters that came in but was disappointed that some people used the opportunity to talk to berate the police department. He stressed this ordinance will not solve all the issues with homelessness in Aurora. He added that homeless encampments pose public health, sanitation, and safety issues. CM Gardner shared that a firefighter suffered from a broken leg falling into a hole trying to protect a homeless encampment, and a business location with an encampment was not able to be abated and the police had to respond eight times because they could not serve a trespass notice. He highlighted the importance of communicating this with the community and what it will solve and address to set realistic expectations. CM Marcano reiterated that this ordinance is doing nothing to solve the problem and is a waste of time and money. Mayor Pro Tem shared that majority of residents are concerned about the safety of the encampments. She stated that probably 80% of the population wants the city to do an encampment ban. Enacting this ordinance is being responsible to residents and businesses to do something. Mayor Pro Tem adds that they can look for more opportunities to help the unhoused population regarding rehabilitation and mental health illnesses.

CM Jurinsky stated that she feels that the homeless issue mostly falls on the backs of business owners in Aurora as unhoused individuals take items such as toilet paper and soap from small businesses. She clarified that these should be denied but she highlighted the need to offer alternatives that would not affect small business owners. CM Zvonek agreed with CM Marcano about the need to be honest with citizens. He added that the city is not equipped by itself to handle the root causes of homelessness such as mental health issues and addiction and the city needs to rely on state and county governments. He further stated the top priority of any local government should be public safety and encampments cause serious public health and safety issues for Aurora residents. He mentioned this proposal is a step to push people in encampments into shelter situations as they deserve better. CM Coombs asked what the solution would be to cover the budget gap between what is in the budget versus what is needed to enforce this ordinance. Staff stated there is an opportunity to come to the spring workshop with a supplemental budget. Staff further stated they are tracking the budget for this ordinance closely and are working with all the departments and the contractor that does abatements. If they estimate there would be an overspend, staff will bring this back for a supplemental in spring or as part of a budget request for 2023. CM

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Coombs added that land use and housing are also priorities of the local government and saying that public safety is the only one it can control is inaccurate and incomplete. Mayor Pro Tem stated that as a city, the revenues only come from sales tax, use tax, and property taxes. With regard to social services, they have to look at counties for assistance and should not have the entire burden shouldered solely by the city.

Mayor Pro Tem Bergan closed the public hearing on the item.

Motion by Sundberg, second by Zvonek to call for the question on the Marcano strike below amendment.

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

Voting Nay: Coombs, Marcano, Medina

Motion by Marcano, second by Coombs to approve the Marcano strike below amendment.

Voting Aye: Coombs, Marcano, Medina, Murillo

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

Motion by Murillo, second by Marcano to approve CM Murillo's first amendment.

Voting Aye: Coombs, Marcano, Medina, Murillo

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

Motion by Murillo, second by Marcano to add Murillo's third amendment.

SUBSTITUTE MOTION

Motion by Mayor Coffman, second by Bergan, to amend the proposed Section 11 by striking the first sentence.

VOTE ON SUBSTITUTE MOTION

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

Voting Nay: Coombs, Marcano, Medina, Murillo

- ◆ ***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.***

Motion by Murillo, second by Marciano to add Section 11 to the ordinance as amended.

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

Motion by Marciano, second by Coombs to table the discussion of item 14.a. indefinitely.

Voting Aye: Coombs, Marciano, Medina, Murillo

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

Motion by Mayor Coffman, second by Zvonek, to approve item 14a as amended.

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

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

Mayor Pro Tem Bergan called for recess.

15. **FINALIZING OF ORDINANCES**

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

- 15.a. Painted Prairie Business Improvement District Nos. 1 and 2 Petitions for Inclusion and Exclusion of Property

2022-04 FOR AN ORDINANCE OF THE CITY OF AURORA, COLORADO, EXCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER ONE AND INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER ONE AND NUMBER TWO

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

- 15.b. ATEC Metropolitan Districts Nos. 1 and 2 Amended and Restated Service Plan

2022-05 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO APPROVING THE AMENDED AND RESTATED SERVICE PLAN FOR ATEC METROPOLITAN DISTRICT NO. 1 AND 2 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICTS

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

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

Motion by Bergan, second by Lawson, to approve item 15b.

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

Voting Nay: Marcano

15.c. The Aurora Highlands Metropolitan Districts Nos. 1-5 and First Creek Ranch Metropolitan District

2022-06 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO ACCEPTING DESIGNATION AS THE APPROVING AUTHORITY FOR THE FIRST CREEK RANCH METROPOLITAN DISTRICT, APPROVING THE CONSOLIDATED SECOND AMENDED AND RESTATED SERVICE PLAN FOR THE AURORA HIGHLANDS METROPOLITAN DISTRICT NOS. 1-5 AND FIRST CREEK RANCH METROPOLITAN DISTRICT (TO BE KNOWN AS THAT AURORA HIGHLANDS METROPOLITAN DISTRICT NO. 6), AND AUTHORIZING THE EXECUTION OF INTERGOVERNMENTAL AGREEMENTS BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICTS

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

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

Motion by Bergan, second by Sundberg, to approve item 15c.

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

Voting Nay: Marcano, Medina

15.d. Aerotropolis Area Coordinating Metropolitan District Amended and Restated Service Plan

2022-07 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO APPROVING THE SECOND AMENDED AND RESTATED SERVICE PLAN FOR AEROTROPOLIS AREA COORDINATING 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 / Brian Rulla, Assistant City Attorney

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

Motion by Bergan, second by Lawson, to approve item 15d.

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

Voting Nay: Marcano

15.e. Proposal to Designate June 19th as Juneteenth and a Legal Holiday

2022-08 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 2-2 OF THE CITY CODE PERTAINING TO LEGAL HOLIDAYS

Ryan Lantz, Director of Human Resources / Rachel Allen, Client Group Manager

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

CM Lawson asked if employees would then have two personal days as opposed to three personal days. Mayor Pro Tem Bergan confirmed this and added that this is the preference of employees of the city.

Motion by Bergan, second by Zvonek, to approve Juneteenth as a paid holiday, reinstate the day after Thanksgiving as a holiday, and remove one personal holiday.

VOTE ON SUBSTITUTE MOTION

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

Voting Nay: Murillo

15.f. Chapter 114 Code Enforcement Ordinance Amendment

2022-09 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 114-27 OF THE CITY CODE RELATED TO STORAGE OF TRASH CONTAINERS

Sandra Youngman, Manager, Code Enforcement Division / Angela Garcia, Senior Assistant City Attorney

15.g. Chapter 14 Animals – Ordinance Amendments

2022-10 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 14 OF THE CITY CODE RELATED TO ANIMALS AND THE AURORA ANIMAL SERVICES DIVISION

Anthony Youngblood, Manager, Animal Services / Angela Garcia, Senior Assistant City Attorney

Motion by Bergan, second by Zvonek, to approve item 15a, 15f and 15g.

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

16. **PLANNING MATTERS**

None

17. **ANNEXATIONS**

17.a. The Aurora Highlands E470 Annexation

R2022-52 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FINDING A PETITION FOR ANNEXATION OF A CERTAIN PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 65 WEST, AND THE EAST HALF OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S., AND GIVING NOTICE OF A PUBLIC HEARING ON THE PROPOSED ANNEXATION (Aurora Highlands Hospital Annexation) 6.097 ACRES.

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

Outside Speaker: Jack E. Reutzler, Fairfield and Woods, P.C.

Staff provided a summary of the item.

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

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

18. **RECONSIDERATIONS AND CALL UPS**

None

19. **GENERAL BUSINESS**

None

20. **REPORTS**

20.a. Report by the Mayor

Agenda moved to next Study session.

20.b. Reports by the Council

Agenda moved to next Study session.

21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

None.

22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council.



MIKE COFFMAN, MAYOR

ATTEST:



KADEE RODRIGUEZ, CITY CLERK