

MINUTES

**Regular Meeting – Aurora City Council
Monday, July 20, 2020**

CALL TO ORDER – REGULAR MEETING

Mayor Coffman convened the regular meeting of City Council at 4:00 p.m.

ROLL CALL

PRESIDING: Mayor Coffman
COUNCIL MEMBERS PRESENT: Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

COUNCIL MEMBERS ABSENT: None

OFFICIALS PRESENT: City Manager Twombly, City Attorney Brotzman, City Clerk Ruger

COUNCIL MEMBERS ARRIVING AFTER ROLL CALL: None

City Clerk Ruger announced the proposed items for discussion at executive session.

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

Motion by Gruber, second by Coombs, to recess for executive session.

Voting Aye: Mayor Coffman, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

Abstaining: None

1. **RECONVENE REGULAR MEETING OF JULY 20, 2020 AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council at 7:30 p.m.

2. **ROLL CALL** Stephen Ruger, City Clerk

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Murillo, Marcano

3. **INVOCATION/MOMENT OF SILENCE FOR 7/20** Barbara Dahl, City Clerk Analyst, and Mayor Coffman

4. **PLEDGE OF ALLEGIANCE TO THE FLAG** (all standing)

5. **APPROVAL OF THE MINUTES**

No minutes were available.

6. **CEREMONY**

None

- ♦ *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.*

7. **PUBLIC INVITED TO BE HEARD (non-agenda related issues only)**

Mayor Coffman asked if there were any objections to moving the public comment to the end of the meeting.

Council Member Marcano asked how many comments were submitted.

Stephen Ruger, City Clerk, stated approximately 86.

Council Member Marcano stated his objection to moving the public comment.

Motion by Bergan, second by Gruber, to suspend Council rules to move the public comment to the end of the meeting.

Mayor Pro Tem Johnston estimated the public testimony would take up to four hours and she expressed concerns related to those who wanted to have a discussion on the independent investigation. She pointed out Public Invited to Be Heard was for non-agenda items and she wanted people to testify on agenda items and speak to the City's business. She stated she put it on the study session agenda for the entire Council to discuss and noted that did not happen because of timing. She stated there was interest in what Council Member Lawson was going to do with her proposal, the independent study and more discussion was needed therefore she would support the suspension of rules for this time.

Mayor Coffman clarified the motion was for all Public Invited to Be Heard comments to be moved to the end of the meeting.

Mayor Pro Tem Johnston stated she would only support moving non-agenda items but not agenda items and asked Council Member Bergan to speak to her intention behind the motion. Council Member Bergan asked staff if those comments related to the independent investigation had been sorted from the non-agenda item comments.

Mr. Ruger stated thus far everything in the public comments pertained to non-agenda items.

Council Member Bergan stated her support for moving non-agenda related items to the end of the agenda.

Council Member Coombs stated this was an issue that has been discussed by Council on several occasions that has not yet been settled. She stated her concerns were for staff, particularly those who were present to provide presentations. She noted it was important to be very clear on processes and procedures so the community knew what to expect. She stated those decisions should be made before they were implemented because she had concerns related to making changes on the way the Council operated before alerting the community to those changes. She stated she would not support the motion because she did not feel the community was properly informed.

Council Member Marcano echoed Council Member Coombs concerns. He stated he was a firm believer in public comment periods and he understood that moving to a digital medium changed the dynamic and put more of a burden on staff. He agreed it was an issue that should be discussed at a special study session. He stated it was not fair to change the rules in the middle of the game therefore the issue should be deferred until Council could meet and have a discussion.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber, Johnston, Lawson

Voting Nay: Coombs, Hiltz, Marcano, 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.***

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR**

General Business

- a. Consideration to AWARD A SOLE SOURCE PROFESSIONAL SERVICES AGREEMENT with Brothers Redevelopment, Inc. (BRI) for services to support the City of Aurora Community Development Minor Home Repair Program in providing financial and technical assistance to low- and moderate-income Aurora, Colorado homeowners needing essential home repairs not-to-exceed \$250,000 for this program.
Presenter: Jessica Prosser, Manager of Community Development, Housing and Community Services/Joyce, Tim, Assistant City Attorney II Civil

Motion by Marcano, second by Murillo, to approve item 9a.

Council Member Marcano asked staff to provide a brief overview of the program and to explain why it was a sole sourced item.

Jessica Prosser, Manager of Community Development, Housing and Community Services, did so.

Council Member Murillo gave a shout-out to Brothers Redevelopment founder who graduated from Aurora Central High School in Ward I.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

- b. Consideration to AWARD A SINGLE SOURCE CONTRACT to Carollo Engineers, Inc., Littleton, CO in the amount of \$4,208,093.00 for design-build services for the Sand Creek Water Reuse Facility Programmable Logic Controls Conversion and Improvements Project (Phase 2 of 2).
Presenter: Elizabeth Carter, Principal Engineer, Aurora Water/David Lathers, Senior Asst City Attorney
- c. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Wilson & Company, Inc., Denver, Colorado in the amount of \$128,227.00 for providing Engineering Services for Storm CMP Rehabilitation Task 6, Project No. R-2041.
Presenter: Swirvine Nyirenda, Principal Engineer, Aurora Water/David Lathers, Senior Asst City Attorney
- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Keesen Landscape Management Inc., Englewood, Colorado in the not-to-exceed amount of \$210,000.00 for Weed Mowing and Trash Removal Services (Abatement Services) as required through December 31, 2020.
Presenter: Nancy Sheffield, Interim Director, Housing and Community Services/David Lathers, Senior Asst City Attorney

Motion by Coombs, second by Bergan, to approve items 9b – 9d.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

- e. Consideration to APPROVE THE PURCHASE of 119 share of stock in the Whitney Ditch Company from BCI Waterco LLC and an affiliated water pipeline easement from GWIP

LLC, for \$26,881,719.75, by the City of Aurora, acting by and through its Utility Enterprise.

Presenter: Dawn Jewell, S Platte Basin Supv, Aurora Water/ Neitzel, Stephanie, Assistant City Attorney II Civil

Motion by Coombs, second by Johnston, to approve item 9e.

Council Member Coombs requested a staff presentation for the benefit of the public.

Alexandra Davis, Deputy Director Water Resources, Aurora Water, did so.

Council Member Bergan stated her understanding that the City would not pay until the location issue was resolved in water court.

Ms. Davis stated the City would pay for the water rights outright in this instance and would go to court later.

Council Member Bergan asked if it was contingent on the approval. Ms. Davis answered no, noting staff did not believe there was a significant risk in this regard.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10. **RESOLUTIONS**

- ◆ a. **R2020-64** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Amendment to Intergovernmental Agreement No. 18-06.01B regarding funding the 22nd Avenue outfall to Westerly Creek Improvement Project between the City of Aurora, and the Urban Drainage and Flood Control District D/B/A mile High Flood District.
Presenter: Sarah Young, Deputy Director Wtr Plan/Engin, Aurora Water/ Ian Best, Assistant City Attorney I

Motion by Berzins, second by Johnston, to approve item 10a.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

- ◆ b. **R2020-65** Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado for the Agreement Between the City of Aurora and the Colorado Department of Revenue, Division of Motor Vehicles, Regarding Commercial Driver License Testing.
Presenter: Renee Pettinato Mosley, Risk Manager, Human Resources/Gardner, Michelle, Senior Asst City Attorney

Motion by Marcano, second by Berzins, to approve item 10b.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

- ◆ c. **R2020-66** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the City of Aurora, Colorado, and the Counties of Adams and Arapahoe, Colorado, for the establishment of a Veteran's Service Office.

- ◆ *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.*

Presenter: Lucas "Luke" Palmisano, Intergovernmental Rltns Mgr, General Management/Hernandez Perez, Hans, Assistant City Attorney II Civil

Motion by Bergan, second by Gruber, to approve item 10c.

Council Member Gruber provided background on the item.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

- ◆ d. **R2020-67** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to Open an Independent Investigation into the Death of Elijah McClain
Presenter: Jason Batchelor, Deputy City Manager/Daniel Brotzman, City Attorney

Motion by Marcano, second by Hiltz, to approve item 10d.

Council Member Coombs asked staff to speak to the study session discussion on the issue.

Jim Twombly, City Manager, did so.

Council Member Murillo asked Mr. Twombly to speak to the process of how those being recommended were chosen. Mr. Twombly did so. Council Member Murillo discussed her disagreement with the process. She stated she wished all of Council could have had the same conversations rather than just the committee. She pointed out Council Member Lawson was not included in the discussion even though she sat on the committee. She stated two out of ten council members qualifying the candidate was not a preferable process and she reiterated her wish that all of Council had the opportunity to connect with them before the meeting.

Council Member Hiltz confirmed the call-in information was provided to all committee members and all council members were invited to the Public Safety meeting. She stated to her knowledge there were not any questions or comments from other council members. She welcomed scrutiny from other council members because this has been discussed several times and council members could have requested a conversation. She stated it was not too late to have that discussion particularly about the final two persons for the panel who have not yet been identified. She stated that call information could be shared with the rest of Council.

Council Member Murillo stated she was happy all of the Council was invited which was different than ensuring everyone had the opportunity to participate in the conversations. She stated her comment was to the City Manager in terms of process. She agreed it would be wise for other council members to join in on the conversation considering the importance of the decision. She suggested consolidating how information was filtered and who was and was not a part of the conversation should be considered. She stated the City's policy committee structure did not always invite full participation from the rest of Council and she would like to see that happen moving forward.

Council Member Lawson confirmed Council Member Hiltz invited her to speak with the person who was selected after the fact which was by then a moot point. She stated Council Members Gardner and Hiltz spoke with the individual and as a committee member, she would have appreciated a summary of their thoughts. She pointed out she might have had some concerns that she wanted to discuss at the committee meeting. She agreed the process should include all council members. She stated she was inclusive in her policy meetings and she felt everyone else should be also.

- ◆ ***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 Member Bergan asked staff to speak to their opinion on what Council was allowed to state on the investigation.

Daniel Brotzman, City Attorney, stated there were several ongoing investigations at this point and he recommended City Council allow those investigations to play out and then gather all of the information from all sources. He stated any statements by Council at this point were premature and that was why the City was pursuing a comprehensive investigation.

Council Member Gruber stated he had concerns related to the issue raised by Council Member Bergan. He stated the City Manager hired an investigator in February to review the issue. He stated three council members then sent a letter requesting an independent investigation which prompted the firing of the person hired by Mr. Twombly. He expressed concerns related to those council members who were actively promoting the idea that Elijah McClain was murdered. He suggested those council members may have compromised the selection process and he pointed out going into it with the notion that Elijah McClain was murdered would make that the only accepted outcome. He saw this as a major problem and recommended that Council stop using the word 'murder' until an evaluation was completed by the independent evaluator.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

Council Member Bergan asked the timeline on the item. Mr. Twombly stated it was moving forward as soon as possible.

- ◆ e. **R2020-68** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to renew the City Manager's Disaster Declaration
Presenter: James Twombly, City Manager/Isabelle Evans, Assistant City Attorney II

Motion by Gruber, second by Bergan, to approve item 10e.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

Mayor Coffman pointed out there was a mistake on the agenda as the Tri-County order item was not listed and the City had until July 24, 2020 to make a decision whether or not to opt out. He stated he would like to garner a sense of the Council without having to call a special meeting. He stated his opposition to the Tri-County order because he felt they should have rescinded it when there was a state-wide order in place. He stated if there were five other council members who agreed to opt out of the Tri-County order then that was what the City would do and they would have a special meeting prior to July 24, 2020 to do that. He stated his support of the state-wide mask order which applied to individuals age 10 and up, was for 30 days although the governor could extend it and applied to indoors only. He stated the Tri-County order was for 90 days, over age 10 but also applied to outdoors when someone was within six feet of another individual. He stated his opposition related to the fact that the outdoor requirement was unenforceable. He confirmed the City has never used law enforcement to enforce a public health order and he did not see the City doing that now. He stated enforcement relied on the City's Tax & Licensing and Code Enforcement Divisions that really had no leverage outside of a public or private building. He stated the governor's order was sufficient and that while he believed wearing masks outside should be encouraged, he did not feel something should be mandated that could not be enforced.

Council Member Bergan concurred. She agreed it would be problematic to enforce it indoors so enforcing it outdoors would certainly be more so.

- ◆ ***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 Member Coombs pointed out Tri-County's position was strong encouragement and education and what changed was evidence that mandates actually encouraged greater compliance with mask wearing coupled with the uptick in cases. She stated it was demonstrated that the '*strongly encourage*' language was unsuccessful.

Mayor Pro Tem Johnston asked staff to clarify the state-wide executive order. Mayor Coffman stated his understanding that the governor set the minimum guidelines through the Department of Public Health and Environment and then the local health departments were allowed to go beyond what the governor stated.

Isabelle Evans, Assistant City Attorney, concurred.

Mayor Pro Tem Johnston expressed concerns about enforcement and asked if the City could state the police would not be handing out fines or arresting people who violated the order. Ms. Evans stated enforcement was delegated through the Disaster Declaration similar to that which just passed related to the enforcement of the state-wide order. She confirmed that could also be done in this instance as a matter of policy.

Mayor Coffman stated it was widely understood that transmission was much less of an issue outdoors than indoors.

Council Member Coombs stated her understanding the opt-out of the order item was not on the agenda and asked if any of the public comments related to that issue.

Stephen Ruger, City Clerk, answered no.

Council Member Coombs pointed out her question related to the fact that the item was not on the agenda and yet Council was discussing it.

Mayor Coffman stated Council was having an informal discussion to determine if there were six members who were willing to put it on another meeting held prior to the deadline to vote to formally opt out. He confirmed Council would not be making a decision at this time.

Council Member Coombs expressed concerns that Council was not following procedure and asked staff if there was somewhere this type of tangent of an item where Council was deciding whether to call a special meeting on a topic should go in the agenda.

Mayor Coffman pointed out he could make the decision himself but was having the informal discussion with Council as a courtesy to them.

Daniel Brotzman, City Attorney, stated this item was originally on the agenda and he was uncertain what happened to it. He stated this was an ancillary item to item 10e that just passed. He confirmed Council could give direction to the City Manager rather than have Council vote therefore now was an appropriate time to determine if there should be a special meeting.

Mayor Coffman stated he discussed this with Dr. John M. Douglas, Executive Director, Tri-County Health Department, prior to Dr. Douglas writing the order and the intent of Tri-County was to require a public discussion prior to a vote to opt out.

Council Member Berzins stated she was glad Council was discussing this because many of the council members listened to Dr. Douglas discuss the issue. She reminded Council the vote was not unanimous at 5 to 4 and Dr. Douglas' issue was enforcement. She stated she would not support Tax & Licensing and Code Enforcement enforcing the issue as they were currently overextended. She stated it would also be a mistake for the police to enforce the item. She stated she has seen posts on social media of people asking who they called to

- ◆ ***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.***

report those who were not in compliance. She stated the executive order from the governor should trump anything else as he held the highest office and he would provide another order as he saw fit. She noted those who would wear a mask were currently wearing them and while this executive order might push more to do so, there were still people who would never do it. She stated enforcement was a huge issue. She noted there were those who stated masks were necessary and yet they were also at the protests and vigils. She stated she wore a mask except when she was out walking.

Council Member Murillo clarified the last Council discussion on the issue related to a similar expectation that the police would not be called upon to enforce the order. She asked if that had changed. Mayor Coffman answered no.

Mr. Twombly stated not relying on the police department was the purpose of the disaster declaration.

Council Member Gruber referenced Council Member Berzins' comment regarding the online photos of some of the people who were carrying the banner for the Party for Socialism and Liberation on the City's Great Lawn who were not wearing masks. He expressed concerns related to the City citing businesses that did not enforce the order but not those who did not comply on the City's own property. He asked staff if the City would send out anyone from the Parks Department to cite the socialists for not wearing a mask. Mr. Twombly stated the City's approach was through a complaint process and he further explained the process.

Mayor Pro Tem Johnston referenced stated a previous discussion where she stated she was opposed to people being given fines or being arrested and was told staff was '*working that out.*' She stated that was not good enough. She stated her understanding it could be stated in the disaster declaration and she wanted to be sure that was very clear and not something that was determined later. She pointed out the executive order referenced local law enforcement.

Ms. Evans concurred, noting the order stated the failure to wear a mask and failure to comply with the business' request to wear a mask on that businesses premises could be considered a trespass and that would be enforceable through police action. She pointed out however, delegating enforcement in the Manager's declaration could be done through any department based on how the Council wanted to proceed.

Motion by Mayor Coffman, second by Gruber, to call a special meeting on Thursday, July 23, 2020 at 5:00 p.m. to vote on opting out of the Tri-County order.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gruber

Voting Nay: Coombs, Gardner, Hiltz, Johnston, Lawson, Marcano, Murillo

11. ORDINANCES FOR INTRODUCTION

- ◆ a. **2020-23** Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, authorizing the Imposition of Capital Impact Fees on residential development in the City as approved by the Uniform Development Ordinance.
Presenter: Terri Velasquez, Director of Finance, Finance/Hernandez Perez, Hans, Assistant City Attorney II Civil

Motion by Hiltz, second by Johnston, to introduce item 11a.

Council Member Bergan stated her understanding that the transportation fees were not increased and would be determined at a later date.

- ◆ ***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.***

Terri Velasquez, Director of Finance, Finance, concurred, noting the fees would be updated along with the Capital Plan.

Council Member Berzins noted Council has not discussed the item since June 2019.

Ms. Velasquez concurred.

Council Member Berzins noted that was a long time ago and this was a new Council. She stated she would like the item be moved to study session for review of the current Council.

Council Member Bergan stated this was on the *(inaudible)* index.

Ms. Velasquez concurred, noting it was a correcting ordinance.

Council Member Coombs stated she did not feel any council members were uninformed on the issue simply because they were not on the Council at the time the item went through.

Council Member Hiltz stated it was up to the majority of Council to decide if the item should have more discussion. She stated if the justification for revisiting the item was that not everyone was on Council then all similar items should be revisited.

Voting Aye: Bergan, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

Voting Nay: Berzins

12. **ORDINANCES FOR FINAL**
THE SPONSOR OF ITEM 12a WISHES TO POSTPONE IT UNTIL THE SECOND MEETING IN FEBRUARY 2021

- ◆ a. **2020-09** Consideration of AN ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending Chapter 26 by creating a "Non-Sugary Default Beverage Option on Children's Menus" under Article IX of the City Code.
Sponsor: Council Member Lawson
Presenter: Trevor Vaughn, Manager of Tax and Licensing/Hernandez Perez, Hans, Assistant City Attorney II Civil
Outside Speakers: Naomi Amaha, American Heart Associations and Kathy Staats, Tri-County Health Department

Council Member Lawson stated the reason she was postponing the item to February was due to COVID and the uncertainty of when the Council would be back on the dais. She pointed out all of the stakeholders had a right to speak on the issue. She stated her disappointment at Council Member Gruber's social media posts on the item and addressed Council Member Gruber to that end, stating once again, he put out misinformation. She stated her plan to no longer allow him to change her narrative, noting she would continue to call him out when he did so.

Mayor Coffman asked staff if a sponsor could unilaterally decide to postpone an item.

Dan Brotzman, City Attorney, stated that was allowed upon first reading which took place in August. He stated therefore it was the second reading and would require a vote tonight.

Motion by Coombs, second by Murillo, to approve the postponement of item 13a.

Council Member Gruber disagreed with Council Member Lawson's assertions about him posting misinformation. He pointed out there would not be any changes in votes as those who supported it would continue to do so. He pointed out that while he appreciated Council Member Lawson's theatrics, it was a dumb idea in the first place and this was just a delay

- ◆ ***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.***

tactic. He stated Dr. John Douglas, Executive Director, Tri-County Health Department, stated pre-COVID that it would be illegal to order anything other than water or milk on a children's menu.

Mayor Coffman stated his appreciation for all sponsors of legislation that were not time sensitive or controversial to be delayed so that people could come forward to testify.

Council Member Coombs stated it was apparent that Council was going to discuss the facts of the ordinance regardless of the motion to delay. She stated there was nothing in the ordinance requiring businesses to upcharge. She noted it was just a default listing on the menu and was not outlawing anything. She stated it was completely disrespectful to Council Member Lawson and the stakeholders to state otherwise.

Council Member Murillo stated it was exhausting and a waste of the public's time to go back and forth to correct misinformation. She stated she was hard pressed to support the item because of her concerns related to small businesses among other things and noted the sponsor and stakeholder did as much as they could to come up with realistic ways to implement it. She pointed out the point of the conversation was not to rehash the policies of the item and noted speaking calmly about a lie did not make it any less of a lie. She stated that tone of voice and way of speaking did not equal the truth and it was a certain level of privilege that people got to wield and play on stereotypes about black women. She stated it was disrespectful in so many ways and was gas lighting the public when things were spoken about in a certain way. She stated this was not the top priority given the challenges of keeping small businesses afloat right now and she felt it was smart and demonstrated a level of perspective to postpone the item to a later time.

Council Member Gruber reiterated it was a dumb bill in the first place and it remained so. He stated the previous council member comments were just backpedaling and trying to state that the ordinance did not state what it clearly stated. He pointed out those council members were attempting to justify something that could not be justified. He stated calling him a liar was disgusting.

Council Member Murillo stated facts were facts.

Mayor Coffman suggested the Council stick with the issue and refrain from personal attacks.

Mayor Bergan asked if the discussion related to postponing the item. Mayor Coffman answered affirmatively. Council Member Bergan stated her understanding that City Charter did address a quorum.

Mayor Pro Tem Johnston stated she found Council Member Lawson to be accessible to discuss many issues and asked Council to pick up the phone rather than address the issue on social media. She noted it was disappointing when the latter happened because Council Member Lawson did not operate in the same manner of attacking others on social media.

Council Member Gruber stated once again it was those on the left; the socialists and progressives who were talking against him. He stated the facts were the facts; it would have made it illegal. He stated Council heard public comments and therefore knew what the people wanted and what the majority of Council wanted. He suggested it would be more fruitful to have the vote and show the people what the Council thought of business and just how anti-business they were.

Council Member Lawson stated she put in a year and a half investment with the stakeholders and they had a right to have a voice. She addressed Council Member Gruber and stated she found it interesting that he would call her theatrical considering he continued to lie and tell

- ◆ ***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.***

false things about her. She stated she would not allow him to continue to take her narrative. She pointed out those who did not like it did not have to vote in favor of it.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

Mayor Coffman requested the Council be more courteous to one another and to be mindful if they have a controversial issue that they wanted to put forward that was not time sensitive to delay it until such time as people could come in person to testify for or against the item.

13. **ANNEXATIONS**

- ◆ a. **R2020-69** Public Hearing and Consideration of A RESOLUTION of the City Council of the City of Aurora, Colorado, making certain findings of fact regarding the proposed annexation of a parcel of land located in the Northeast Quarter of Section 11, Township 4 South, Range 66 West of the Sixth Principal Meridian, Arapahoe County, Colorado. (Colorado Christian Fellowship Annexation 9.2 acres)
Presenter: Jacob Cox, Senior Dev Project Manager, General Management/Brian Rulla, Assistant City Attorney I Civil

Mayor Coffman opened the public hearing on the item.

Motion by Berzins, second by Bergan, to approve item 13a.

Council Member Coombs requested a staff presentation for the benefit of the public.

Vinessa Irvin, Manager, Office of Development Assistance, did so.

Mayor Coffman closed the public hearing on the item.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

- ◆ b. **2020-24** Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, annexing a parcel of land located in the Northeast Quarter of Section 11, Township 4 South, Range 66 West of the Sixth Principal Meridian, Arapahoe County, Colorado. (Colorado Christian Fellowship Annexation 9.2 acres)
Presenter: Jacob Cox, Senior Dev Project Manager, General Management/Brian Rulla, Assistant City Attorney I Civil

Mayor Coffman opened the public hearing on the item.

Motion by Bergan, second by Coombs, to approve item 13b.

Council Member Coombs asked staff to provide clarification of the location of the item.

Vinessa Irvin, Manager, Office of Development Assistance, did so, noting it was located at the southwest corner of Stephen D. Hogan Parkway and Piccadilly and west of E-470.

Mayor Coffman closed the public hearing on the item.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, 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.***

- ◆ c. **2020-25** Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, finding and determining that certain real property located in an Unincorporated area of Arapahoe County is an enclave under applicable law; making certain other findings in accordance with the "Municipal Annexation Act of 1965"; and annexing certain parcels of land located in the East half of the East half of Section 8, Township 4 South, Range 65 West of the 6th principal meridian, County of Arapahoe, State of Colorado. (XCEL ADONEA) 25.651 ACRES.
Presenter: Jacob Cox, Senior Dev Project Manager, General Management/Brian Rulla, Assistant City Attorney I Civil

Motion by Marcano, second by Johnston, to introduce item 13c.

Council Member Marcano requested staff provide clarification on the location of the item.

Vinessa Irvin, Manager, Office of Development Assistance, did so, noting it was located north of 6th Avenue along Powhaton Road.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

14. **RECONSIDERATIONS AND CALL-UPS**

- ◆ a. RECONSIDERATION OF RESOLUTION R2020-24 - to Suspend Certain Council Rules.
Staff Source: Stephen Ruger, City Clerk, General Management/Isabelle Evans, Assistant City Attorney II

Motion by Gruber, second by Bergan, to approve item 10a.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

15. **GENERAL BUSINESS**

- a. Consideration of the reappointment of five (5) youth members and the appointment of two (2) new youth members to the Aurora Youth Commission.
Presenter: Stephen Ruger, City Clerk, General Management/Lathers, David, Senior Asst City Attorney

Motion by Coombs, second by Marcano, to reappoint five (5) youth members and the appointment of two (2) new youth members to the Aurora Youth Commission.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

16. **REPORTS**

- a. Report by the Mayor

Mayor Coffman stated Governor Polis called the Mayor and City Manager to discuss the Governor's desire for the City to have a medium-sized COVID testing facility because there was too much pressure on Denver's COVID facility. He stated the City would be working with the Colorado Department of Public Health to do so.

- b. Reports by Council

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

Council Member Hiltz discussed her experience listening to the Jeffrey Moore, Manager, Oil & Gas Division, City of Aurora, Webex talk on Oil & Gas regulations. She stated he did a good job and those who called in were appreciative of the opportunity to have direct contact with Mr. Moore. She announced she and Council Member Lawson were hosting a joint Town Hall meeting scheduled for Thursday, July 23, 2020 at 6:30 p.m., noting further information could be found on Facebook and the City website. She stated trash collection services and the upcoming budget shortfall would be topics of discussion. She announced the Public Safety Committee would meet twice a month simply because of the sheer volume of items to be reviewed therefore the next meeting was scheduled for Thursday, July 30, 2020. She reminded everyone Public Safety would be bucketing topics with regards to police reform.

Jim Twombly, City Manager, stated the City was planning a call with the Colorado Department of Public Health & Environment (CDPHE) and the governor later in the week to discuss the particulars in moving forward with a COVID testing site in Aurora. He pointed out it made sense to help out the Metro District in this manner.

Mayor Pro Tem Johnston announced the first meeting of the Community Police Task Force would be virtual and was scheduled for Tuesday, July 28, 2020 at 6:30 p.m. She stated the Task Force would meet every second and fourth Tuesday of the month.

Council Member Coombs announced the Ward V Town Hall meeting was scheduled on Webex and Facebook Live for Tuesday, July 21, 2020 at 6:30 p.m. where a presentation from Aurora Water on rate changes and conservation would take place and Fire and Police representatives would be present to answer constituents' concerns.

Council Member Marcano announced the next Ward IV Town Hall meeting was scheduled for Thursday, August 20, 2020 at 6:30 p.m. on Webex and Facebook Live and the next Oil & Gas Town Hall meeting was scheduled for Tuesday, July 28, 2020 at 6:30 p.m. which could be joined via auroragov.org.

Council Member Gruber updated everyone on the Space Command team's efforts in that regard.

Council Member Bergan announced the Ward VI virtual Town Hall meeting was scheduled for Wednesday, July 22, 2020 at 6:00 p.m. on Webex where the topic would be the High Line pipeline alignment and South Metro Water Authority representatives would be present.

Council Member Berzins announced the Ward III meeting was scheduled for Wednesday, August 12, 2020 at 6:30 p.m. and noted she would announce whether it would be virtual or not shortly.

Council Member Murillo acknowledged the anniversary of the Aurora theater shooting and the lives lost that day. She discussed her perspective of the event as someone who grew up in Aurora and noted the trauma experienced by both individuals and the community as a whole. She announced the Ward I Town Hall meeting was scheduled online for Thursday, July 30, 2020 at 6:00 p.m. on Facebook Live and Webex, where public banking would be discussed. She discussed her appointment to the RTD Accountability Board and how she looked forward to serving the City and being the Aurora representative and advocate in that regard.

Mayor Coffman called for a short recess prior to the public comment.

- ◆ ***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.***

17. **PUBLIC INVITED TO BE HEARD**

Council Member Marcano stated it was unfair for two people to read so many comments and asked if it was possible for the comments to be sent to Council to share in the reading.

Stephen Ruger, City Clerk, stated there were many less than previously and many of them were voicemails. He expressed appreciation to Council Member Marcano for his offer and agreed staff would share the load with Council should it become necessary.

Stephen Ruger, City Clerk, and City staff read and played voicemail public comments submitted to publiccomment@auroragov.org into the record up to the first three minutes and attached the comments to the minutes.

18. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 10:55 p.m.



MIKE COFFMAN, MAYOR

ATTEST:


