

MINUTES

**Regular Meeting – Aurora City Council
Monday, July 6, 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 6, 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 Barbara Dahl, City Clerk Analyst

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 22, 2020

Motion by Marcano, second by Bergan, to approve the minutes of the meeting of June 22, 2020, as presented.

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

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6. **CEREMONY**

Proclamation for Daughters of the American Revolution Tollgate Creek Chapter – Mayor Coffman

Mayor Coffman read the proclamation recognizing the Daughters of the American Revolution Tollgate Creek Chapter.

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

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

Council Member Marcano asked how many comments remained. Mr. Ruger stated 14. Council Member Marcano asked if City Council would have the opportunity to respond to the comments.

Mayor Coffman answered affirmatively, noting responses could occur at the end of the meeting.

Mayor Gruber stated his objection. (*inaudible*)

Dan Brotzman, City Attorney, addressed Council Member Gruber's point of order as it related to direct threats made to Council and First Amendment rights. He confirmed those comments did not have to be read.

Mr. Ruger stated he would forward the comments to Mr. Brotzman.

8. **ADOPTION OF THE AGENDA**

Mayor Coffman noted there were 400+ speakers who sent in comments; 300+ related to the Emergency Housing. He stated his plan to defer the item to the Monday, July 27, 2020 Special Study Session.

Council Member Bergan disagreed and discussed the importance of the City Council hearing residents' comments as that was their job.

Council Members Marcano, Coombs and Gardner concurred.

Stephen Ruger, City Clerk, estimated approximately six hours of testimony and suggested a special daytime meeting could be held for Council to hear the comments.

Mayor Coffman stated the issue related to those residents who wanted to watch the debate who would not be able to because of the time it would take for the comments to be read.

Council Member Bergan stated the Council has never not listened to public comments before.

Council Member Berzins agreed it was the Council's duty to hear the residents' comments.

Mayor Coffman called for a three-minute recess. He then suggested the meeting move forward until midnight and then be reconvened at 7:00 p.m. the next evening.

Council Member Bergan stated the non-agenda item comments could be read at the next meeting but the agenda item comments should be read at this time.

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Dan Brotzman, City Attorney, stated item 10j should be moved to the front of the agenda.

Motion by Bergan, second by Gruber, to move item 10j forward on the agenda, to hear all related testimony proceeding the discussion and to vote on item 10j, after which the meeting would recess to be reconvened the following evening at 7:00 p.m.

Council Member Hiltz stated her support for continuing the meeting and hearing all comment.

Mayor Coffman asked where the non-agenda related comment portion of the meeting would be moved to on the agenda. Council Member Bergan stated to the beginning of the next meeting.

Mayor Pro Tem Johnston asked for clarification on the submission of additional comments. Mr. Ruger clarified additional comments could not be submitted once an item was called. He stated anything that came in after the item was called would be forwarded to City Council. He stated conversely anything that came in for Public Invited to Be Heard would be heard during item 14 on the agenda.

Council Member Coombs asked for clarification regarding the distinction in comments on the ordinance and the emergency resolution.

Mr. Ruger cautioned against Council attempting to figure out whether they related to the ordinance or resolution because most of them were in opposition.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gruber

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

Mayor Coffman stated the City Council would hear Public Invited to be Heard.

Motion by Marcano, second by Coombs, to adopt the agenda as presented.

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

9. **CONSENT CALENDAR**

General Business

- a. Consideration to award a sole source award to Intermountain Rural Electric Association in the not-to-exceed amount of \$450,000.00 for utility relocation design to support the Preliminary Design of the Gun Club Improvements project.
Presenter: Matthew Kozakowski, Transp Proj Delivery Mgr, Public Works/ David Lathers, Senior Asst City Attorney
- b. Consideration to AWARD A SOLE SOURCE CONTRACT to Superior, LLC, Lake Mary, Florida in the amount of \$72,587.07 for annual software support for the City's Financial, Human Resources and Purchasing systems through June 30, 2021.
Presenter: Scott M Newman, Interim Chief of I.T., Information Technology/ Lathers, David, Senior Asst City Attorney
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Double R Excavating, Inc., Sedalia, Colorado in the amount of \$3,538,003.00 for the Tollgate Creek Trail Extension Phase 2 Project, Project No. 5520AB. **(Staff Requests a Waiver of Reconsideration)**

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Presenter: Tracy Young, Manager Of PROS Plan, Desn, Cons, Parks, Recreation & Open Space/David Lathers, Senior Asst City Attorney

- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to TRS, Inc., Golden, Colorado in the amount of \$57,750.00 for Repair of the 1000 Ton Cooling Tower at the Aurora Municipal Center facility, B-4511
Presenter: Lynne Center, Deputy Director PW Operations, Public Works/Lathers, David, Senior Asst City Attorney
- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Pipestone Equipment, Golden, Colorado in the amount of \$63,435.00 for the purchase of one (1) 72-inch Butterfly valve. (B-4522) **(Staff Requests a Waiver of Reconsideration)**
Presenter: Sarah Young, Deputy Director Wtr Plan/Engineering/ David Lathers, Senior Asst City Attorney

Motion by Bergan, second by Murillo, to approve items 9a – 9e with waivers of reconsideration on items 9d and 9e.

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

- f. Consideration to APPROVE A LEASE AGREEMENT with GMT Exploration Company LLC, for city-owned mineral rights within those lands identified on Exhibit A, 6th PM, Adams County consisting of a total of approximately 1.133 acres of land.
Presenter: Hector Reynoso, Manager Real Property Services, Public Works/Christine McKenney, Client Group Manager

Motion by Johnston, second by Hiltz, to move item 9f to study session.

Council Member Bergan pointed out these were mineral rights within the City that have been previously approved.

Nancy Freed, Deputy City Manager, concurred.

Council Member Bergan pointed out the item was heard at study session as a general discussion.

Mayor Coffman clarified the discussion took place in executive session.

Mayor Pro Tem Johnston stated the specific item was previously in the county before it was annexed and was located across from the Aurora Highlands and other new development. She stated there were concerns related to her request that property owners in the area be contacted for feedback and her questions related to the amount the City would be reimbursed. She stated her disappointment that those issues were not addressed.

Hector Reynoso, Manager Real Property Services, Public Works, discussed the federal leasing program presentation history. He pointed out the item related to the leasing minerals interest on a City-owned parcel which was separate from on oil pad.

Mayor Pro Tem Johnston pointed out leasing was generally one of the first steps towards drilling and noted it should be discussed considering the amount of money the City was investing.

Mayor Coffman asked staff if the motion was procedural.

Dan Money, Deputy City Attorney, answered affirmatively.

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Voting Aye: Coombs, Hiltz, Johnston, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

- g. Consideration to Approve the City Council Adoption of Collective Bargaining Negotiations Postponement Agreement Ratification **(This Item also appears on the July 6, Study Session) (Due to this item being dual listed, the backup is included in item 5a of the Study Session Packet.)**
Presenter: Jacob Bergeron, Labor Relations Officer, Human Resources/ Rachel Allen, Client Group Manager

Motion by Bergan, second by Murillo, to approve items 9g.

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

10. RESOLUTIONS

- ◆ a. **R2020-54** Consideration of A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the First Amendment to the Intergovernmental Agreement regarding the shared use of facilities between the City of Aurora and Adams-Arapahoe Joint School District 28j
Presenter: Joseph "Joe Sack, "Manager of Recreation Services, Parks, Recreation & Open Space/ Angela Garcia, Assistant City Attorney II Civil
- ◆ b. **R2020-55** Consideration of A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the First Amendment to the Intergovernmental Agreement regarding the shared use of facilities between the City of Aurora and Cherry Creek School District No. 5
Presenter: Joseph "Joe Sack, "Manager of Recreation Services, Parks, Recreation & Open Space/ Angela Garcia, Assistant City Attorney II Civil
- ◆ c. **R2020-56** Consideration of A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the First Amendment to the Intergovernmental Agreement regarding the shared use of facilities between the City of Aurora and Cherry Creek School District No. 5 (Overland High School, Prairie Middle School, and Utah Park)
Presenter: Joseph "Joe Sack, "Manager of Recreation Services, Parks, Recreation & Open Space/ Angela Garcia, Assistant City Attorney II Civil

Motion by Coombs, second by Marcano, to approve items 10a – 10c.

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

- ◆ d. **R2020-57** Consideration of A RESOLUTION of the City Council of the City of Aurora, Colorado, expressing the Aurora City Council's support of H.R. 1629 and S. 1015, the "911 Saves" act
Presenter: Dianna Giordano, Director of Human Resources, Human Resources/ Isabelle Evans, Assistant City Attorney II Civil

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

Council Member Gardner stated he would not support the item because, while he supported the City's 911 dispatchers, there was a process in place that should be followed.

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

Voting Nay: Gardner

- ◆ e. **R2020-58** Consideration to APPROVE A RESOLUTION of the City of Aurora, Colorado, approving the Gaylord Hotel water line construction and cost reimbursement agreement between the City of Aurora, acting by and through its Utility Enterprise and the Aurora Convention Center Hotel, LLC
Presenter: Sarah Young, Deputy Director Wtr Plan/Engin, Aurora Water/Christine McKenney, Client Group Manager

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

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

- ◆ f. **R2020-59** Consideration of A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Sanitary Sewer Improvements Construction and Cost Reimbursement Agreement between the City of Aurora, acting by and through its Utility Enterprise and Clayton Properties Group II, Inc.
Presenter: Sarah Young, Deputy Director Wtr Plan/Engin, Aurora Water/Christine McKenney, Client Group Manager

Motion by Gruber, second by Coombs, to approve item 10f.

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

- ◆ g. **R2020-60** Consideration of A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the intergovernmental agreement for outfall systems planning for Westerly Creek downstream of Westerly Creek Dam between the City of Aurora, acting by and through its Utility Enterprise and the City and County of Denver and Urban Drainage and Flood Control D/B/A Mile High Flood Control.
Presenter: Sarah Young, Deputy Director Wtr Plan/Engin, Aurora Water/ Ian Best, Assistant City Attorney I Civil

Motion by Marcano, second by Coombs, to approve item 10g.

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

- ◆ h. **R2020-61** Consideration of A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the Busk-Ivanhoe Water System Authority, The Board of Water Works of Pueblo, Colorado, the Basalt Water Conservancy District and the City of Aurora, Colorado, acting by and through its Utility Enterprise pertaining to Ivanhoe Reservoir
Presenter: Alexandra Davis, Deputy Director/Water Resource, Aurora Water/ McKenney, Christine, Client Group Manager

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

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

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- ◆ i. **R2020-62** Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado for the purchase of 1,040 shares of stock in the Tetsel Ditch Company, representing the majority ownership of the Ditch Company, and 1,212 acres of land from thirteen different sellers for a total of \$16,721,000.00.
Presenter: Dawn Jewell, Water Resources Supervisor, Aurora Water/Michelle Gardner, Senior Asst City Attorney

Motion by Berzins, second by Gruber, to approve item 10i.

Council Member Coombs stated this was a very significant water acquisition and requested a staff presentation for the benefit of the public.

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

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

Mayor Coffman asked staff for an estimate of the length of testimony for item 10j based on the number of comments.

Stephen Ruger, City Clerk, estimated five hours at one minute per comment.

ORIGINAL MOTION

Motion by Mayor Coffman, second by Gruber, to recess the meeting until 4:00 p.m. the following day.

Mayor Coffman stated doing so would allow eight hours of discussion from 4:00 p.m. to midnight. He pointed out continuing at this time was not fair to staff.

Council Member Bergan stated, for as much as she believed those who took the time to comment should be heard, she would support postponing the meeting for the consideration of staff.

Council Member Coombs pointed out, considering her colleagues solicited 300+ comments, the Council should commit to hearing them. She pointed out in the past Council had remained to listen when Council solicited extensive comment. She stated she too was concerned for staff but did not think Council should change their minds and she questioned the accuracy of the grounds to which the public comments were solicited.

Council Member Bergan pointed out soliciting comments from the public regarding items that impacted them was done all of the time.

Mayor Pro Tem Johnston expressed concerns for staff and that the public would miss out on the discussion as it went later.

Stephen Ruger, City Clerk, stated there were 300+ to be read and some that were recorded.

Mayor Pro Tem Johnston asked staff how they felt health-wise in terms of continuing to read. Mr. Ruger stated he could continue for a bit longer.

Nancy Freed, Deputy City Manager, suggested postponing the meeting would allow more staff to be brought in to read or the comments could be recorded during the day to be heard at the meeting. She noted it might not appear to be difficult to read all of the comments out loud but assured everyone that it was.

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Mayor Coffman asked how many comments were read during Public Invited to be Heard. Mr. Ruger stated 100+. Mayor Coffman suggested five hours was a conservative estimate.

Council Member Bergan concurred.

Council Member Gardner stated he was unclear as to how the start time went from 7:00 p.m. to 4:00 p.m.

Mayor Coffman stated he changed the time because he felt eight hours would be required.

Council Member Gardner stated the meeting would still continue to midnight and pointed out that did not take the submission of additional comments into account.

Council Member Coombs stated she was hearing from people who stated their comments were not read in the initial round so it was likely there would be 30+ comments to be read at the end of the meeting.

Mr. Ruger stated none were missed from the inbox and confirmed every item was read. He suggested however that those who felt their comments were not heard could add them to be read at the end of the meeting.

Dan Brotzman, City Attorney, stated no further comments could be heard once the item was read. He stated the item could be tabled rather than continued because continuing would add to the comments.

Mayor Pro Tem Johnston expressed concerns that some council members might not be able to make the meeting the next day therefore she would like to continue.

Mayor Coffman suggested the motion on the floor be amended with a different time.

Mayor Pro Tem Johnston stated the date was a conflict and should be taken into consideration.

Mayor Coffman stated the issue came down to consideration of staff. He stated those who did not think highly of staff and that it was okay to be punitive to them should vote in opposition to the motion.

Council Member Marciano stated he honored City staff and wondered if the number of public comment received set a record because staff should be recognized for their diligence and commitment to the City. He did not view it as punitive as it was the job the Council signed up for. He stated he would like to amend the motion to allow those who were slandered to respond prior to adjournment of the meeting should there be support for the motion.

AMENDMENT I

Motion by Marciano, second by Coombs, to adjourn the meeting until the next day at 4:00 p.m. with the exception of allowing council members to respond to the Public Invited to be Heard comments prior to the adjournment of the meeting.

VOTE ON AMENDMENT I

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Lawson, Marciano, Murillo

Voting Nay: Gardner, Hiltz, Johnston

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Council Member Marcano addressed the allegation that he was present in Precinct 1 by confirming his presence, along with that of Council Members Coombs and Murillo and Senator Jeff Bridges, where they bore witness to people expressing their First Amendment rights. He stated he saw people eating and dancing as the three council members walked around the building asking people to keep an eye out for those who were attempting to escalate the situation and breach the building. He stated before leaving, they provided one of the organizers with the Chief's contact information. He noted the Chief was in constant contact with the council members as well because they were basically eyes on the ground. He reiterated his challenge to all of Council particularly those who have comments about the protests but have never attended one to do so. He confirmed those who did would see what was happening which was that actual Aurora residents were participating. He stated he was proud that several of those who were attempting to garner justice for Elijah McClain were Ward IV residents. He stated he stood with them and all those who were expressing their First Amendment rights and noted he did not apologize for anything. He stated he was unaware of who was spreading lies about him and the other council members leading the protest, building barricades, or blocking access. He addressed Mayor Coffman, stating Mayor Coffman perpetuated that lie on social media and he stated he was much more boring than any propaganda being distributed about him. He addressed those who were opposed to defunding the police and explained what that meant. He stated it did not mean reducing the Aurora Police Department (APD) budget to zero dollars tomorrow but instead meant a systemic, methodical evaluation of everything that was overtasking police officers to determine whether or not they should have those responsibilities and a discussion of how best to utilize tax dollars. He stated it was not radical to state that police should not be responsible for animal control, homelessness, and mental health concerns which included combative persons with mental health issues. He suggested everyone educate themselves on what social workers dealt with without weapons. He stated it also meant questioning what public safety meant because it was not just police; it looked like secure housing, living wages, child and health care, and much more. He stated the reality was public safety had to be paid for one way or the other and it could be done reactively which was costly overtime or proactively at a lower cost. He stated those on City Council who had policy questions should approach him rather than fearmonger on talk radio or social media as fearmongering was not productive because it came from a place of fear and misunderstanding. He stated he held forums on the issue and would continue to. He suggested conversations on the issues should be had rather than creating a boogeyman which turned into threats of recall. He stated he was not elected to play nice or to go along with everything and pretend that City institutions were fine. He stated he was elected because he would ask questions and because he would provide well-reasoned alternatives through discussion and dialogue. He stated doing so would provide meaningful changes to better utilize City resources and get better outcomes for the people the Council was sworn to serve.

Council Member Coombs stated it appeared people now believed what she has done wrong was to ask why. She stated everyone should be asking why and everyone should continue to because things were not right. She stated those who wrote in acknowledged that and pointed out what was wrong could not be fixed without asking why. She addressed those who were attempting to charge her with crimes in the court of public opinion for asking why and challenged them to clarify the City statutes they believed she violated. She stated she did not believe she committed any crimes and neither did her legal counsel. She stated her intent to continue to ask why and to go into the community to listen. She pointed out that included listening to those who were critical. She stated many of the suggestions put forth were things she has stated she supported and that she would love to have conversations about how to make them happen. She agreed Aurora police officers dealt with trauma and they did not get the support they needed and that they were tasked with many things they should not be tasked with. She stated she wanted to have a conversation about how to change that. She stated the experience has been interesting because she engaged in a lot of mitigation despite disagreements in her job where people were operating in good faith and conversely she has underestimated how much people in politics did not. She stated her

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intent to continue to operate in good faith and to be open to discussion. She encouraged people to reach out to her and to do so in good faith and respect that she was willing to have the conversation rather than lecture, point fingers and assume the worse. She expressed appreciation to those who made comments and encouraged them to engage her in conversation. She addressed the Council by encouraging them to have conversations with their constituents and people of the City rather than calling them agitators.

Council Member Murillo echoed many of the sentiments shared by Council Members Coombs and Marciano. She acknowledged that even though she was present at the Precinct 1 protest, Council Members Coombs and Marciano bore the brunt of the disingenuous comments in that regard. She addressed City Council and asked any who supported First Amendment rights and who knew Council Members Coombs and Marciano acted in good faith to say so. She stated it meant something when council members showed up to support people's First Amendment rights because it meant they were listening. She echoed Council Member Marciano's point that the council members were there to make sure things did not escalate and to do their job of facilitating a peaceful protest. She stated she found it hard to believe that the event was so scary that three council members could walk around freely and talk and listen to people who were eating and dancing in front of the police department. She stated she could not comment on how they chose to protest but pointed out the protest was far from violent. She stated any comments to the contrary were disingenuous and she expressed her disappointment at those who sent message that specifically targeted Council Members Coombs and Marciano. She stated this was obviously a personal attack rather than an attack on policy because she was there and was not mentioned as much. She stated it was very easy to target people who have different lived experiences who have expressed those different lived experiences. She stated those lived experiences have impacted their understanding of the specific way policy worked. She expressed concerns regarding the undertones of minimizing and discrediting those voices who were in pursuit of equity and justice. She pointed out it was an issue that everyone should be concerned about because it was an attack on people's ability to have different lived experiences and rational opinions. She agreed it was necessary to re-evaluate systems because there was no way to get out of the situation without taking a hard look at the systems that were currently in place. She stated there was a nationwide concern surrounding policing and community and she agreed that what City police officers were tasked with was an unfair burden and no one individual should be expected to handle those complexities. She stated it was Council's duty and responsibility to acknowledge that, to support people and to take a systems approach. She invited council members and constituents to join in the conversations at the upcoming forums. She stated they have attempted to be as transparent as possible as they have watched the history of policing in the United States to date and that was done in order to make it accessible to constituents and to bring them along in the conversation. She expressed her disappointment that actions were taken out of context and reiterated it was clear that doing so was a personal attack rather than policy. She suggested people might really believe what they were feeling and she did not want to discredit anyone. She restated her disappointment that it was directed towards specific council members based on their participation from those who were not present and received potentially incorrect information. She expressed appreciation to her colleagues and stated this was the moment where the Council demonstrated their intersectionality and that, while they might not agree on how they each approached their work or on policies, this was an allyship and she implored her colleagues to stand and show their support.

Mayor Coffman expressed appreciation to the Aurora Police Department for their extraordinary conduct on July 3, 2020. He stated he received a phone call from Aurora Police Chief Vanessa Wilson at 11:37 p.m. that night stating the police were surrounded and barricaded in with no egress or ingress at District 1. He stated he was asked if he could reach out to the governor's office and could he come to headquarters, which he did. He stated he did not think it was necessary to reach out to the governor to bring state assets into the issue. He stated the 30 members who were in that facility and their families were

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very upset. He stated assets could not be deployed to District 1 even given the fact that the City was suffering a spike in violent crime. He stated the follow-on shift had to amass at District 2 instead because most of their uniforms, weapons and equipment were in District 1 where they did not have access. He stated he was able to watch everything from many different angles from screens at headquarters and he confirmed there were many people there throughout the night that wanted confrontation with the police. He stated the police did an excellent job in response. He stated a plan to move the demonstrators away from the gate so they could move their vehicles in and out was in place by 2:30 a.m. He confirmed they pushed them to the south side of Montview without injuring anyone. He agreed they made mistakes at the previous demonstration but pointed out they were flawless in their execution on July 3rd. He stated it was not a peaceful protest any time the police were restricted from doing their job or if it was, then it was not without cost in terms of law enforcement being able to keep those neighborhoods safe. He stated he left headquarters at 3:30 a.m. and that was his account of the situation. He suggested he might have had a different view if he was on the ground but the fact was the City lost capability that night.

Council Member Gruber referred people to the KDVR.com website where an article entitled '[Aurora Police Trapped Inside District 1 For Nearly 7 Hours During Protests Last Friday](#)' where it was stated that the police were under siege and officers were trapped inside for seven hours because the doors were chained or roped shut so the officers could not escape. He stated at 3:30 a.m. once the demonstrators were pushed back, homemade weapons and gas containers were found hidden around the building, and roads going into the station were barricaded to prevent or delay the police and fire from responding to a fire. He agreed a great majority of the people at these protests were peaceful but there were people there who were planning to set the station on fire. He stated evidence to support that was found and the press was finally writing about it. He stated he was astounded that a council member who attended the protest provided The Party for Socialism and Liberation (PSL) leader with the private cell phone number of the Chief of Police. He stated the idea that a council member who compared the police to the Ku Klux Klan (KKK), said '*F the police*' and who failed to comply with orders was not just asking questions but was actively defying police orders. He stated the ridicule received tonight was fully deserved.

Council Member Marcano pointed out Council Member Gruber continued to speak about things that he knew nothing about. He clarified Chief Wilson requested her phone number be given to one of the persons involved before the council members left and they did so. He stated Chief Wilson realized she provided the wrong number and stated her preference that another number be given out. He agreed to do so and went back to the person and asked them to delete the previous number and to call a different one therefore he did what he was asked. He addressed Council Member Gruber and stated his lack of good faith was astounding.

Council Member Gruber asked about the gas cans hidden around the building.

Council Member Marcano confirmed he knew nothing about that. He stated he was there and he saw what he saw and that was not happening while he was there. He confirmed he and the other council members present would have said something if it were. He stated he did not know where the information came from and expressed his hope there were pictures and video available there were cameras posted around the building that supported it. He stated he and the other council members left at 10:45 p.m. and he could not speak to what happened after that time.

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Council Member Coombs stated people have put the words 'F the police' into her mouth when she has not said that. She noted it would be great to end that narrative.

Council Member Murillo stated the news headline was a very slanted, one-sided story about the situation which highlighted the question of how could there be good faith conversations when people were afraid to acknowledge there were things wrong with systems. She stated it was really hard to have these conversations when people were attempting to discredit even having the conversations. She stated the true travesty was the attempt to limit the marketplace of ideas which was the foundation of democracy and to paint any conversation that was contrary to the status quo as radical and un-American. (inaudible) She found an attack on ideology and status quo and brushing off examining who the system was working for concerning. She stated that was the un-American part of the discussion and she was disappointed.

Council Member Bergan agreed conversation and discussions were a good thing and pointed out the Council did not regularly hear from City of Aurora residents but rather from organized groups. She suggested if Council stated they would hear everyone then they should hear everyone. She stated there was public comment this evening that was unusual because most people were not engaged in the City Council policy discussions at all. She stated their interest was typically related to a specific agenda item. She restated the importance of listening to all voices and not just those who were typically more vocal.

Mayor Coffman expressed appreciation to everyone who participated in the lengthy meeting. He then adjourned the regular meeting of City Council at 11:45 p.m.

4:00 PM – Tuesday, July 7, RECONVENE REGULAR MEETING OF JULY 6, 2020 AND CALL TO ORDER

ROLL CALL Stephen Ruger, City Clerk

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

- ◆ j. **R2020-63** Renewal or Termination of the Current Disaster Declaration Pursuant Sec. 38-33(b).
 Presenter: Jim Twombly, City Manager/Matt Chapman, Fire Battalion Chief/Nancy Rogers, Deputy City Attorney/Isabelle Evans, Assistant City Attorney

Mayor Coffman stated the item would proceed with a motion, staff presentation, Public Invited to be Heard and then discussion and the vote.

Council Member Gruber stated it was typical for comments to occur prior to the staff presentation and doing otherwise was a violation of Council Rules.

Motion by Johnston, second by Murillo, to change the order to allow the staff presentation prior to the comment.

Council Member Gruber stated the ordinance was almost handled in a criminal manner and was not advertised as a real ordinance. He raised the topic of the pit bull ordinance which by comparison resulted in multiple advertisements across the City by the City's Communication Department that led to subsequent multiple meetings and discussions. He stated the ordinance came in without even stating what it was about.

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Council Member Murillo interjected a point of order and asked if the item was a resolution or an ordinance.

Mayor Coffman stated it was a resolution.

Council Member Gruber stated as a result, no one has been able to see it unless individual council members pushed out information which has generated a huge public response. He stated there was a complete lack of transparency and now Council wanted to change the rules on it. He stated it was not appropriately handled as important business of the City.

Mayor Coffman stated all of the public comment and discussion would take place prior to the vote and pointed out Council would simply move the staff presentation forward out of courtesy to staff.

Council Member Coombs stated her understanding that there would be an entire public input process prior to the ordinance approval and this was simply an emergency resolution. She asked staff if that were true. Mayor Coffman answered affirmatively.

Council Member Bergan agreed typically there was a reading of the resolution and then public comment and wondered why a staff presentation was needed when one took place at study session.

Council Member Marcano asked if it was correct that City Council could request a staff presentation for any item. Mayor Coffman answered affirmatively. He stated his request for a staff presentation.

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

Voting Nay: Bergan, Berzins, Gruber

Motion by Marcano, second by Murillo, to approve item 10j.

Jessica Prosser, Manager, Housing and Community Development, provided a presentation on the item which related to extending the disaster declaration which might potentially create a change to the housing occupancy.

George Adams, Planning & Development Services, continued the presentation.

Council Member Bergan stated the chart that was presented at the Housing Committee meeting was confusing and asked Mr. Adams to speak to what was not allowed under the definition. Mr. Adams did so. Council Member Bergan asked if a related sex offender could live with their family. Mr. Adams answered affirmatively and read the regulation as amended. Council Member Bergan asked if they could be in a single-family home. Mr. Adams stated there were always exceptions.

Council Member Coombs asked if it were true that a family could not rent out a room to an individual. Mr. Adams answered affirmatively. Council Member Coombs stated there was discussion for staff to review the situation at the time of the ordinance and not the emergency declaration.

Mr. Adams concurred.

Council Member Bergan asked why the public engagement did not occur before the resolution was passed and then amended. Ms. Prosser stated it was due to the sense of urgency because the eviction moratorium was lifted. Council Member Berzins stated that was a big assumption on the part of the City and suggested it was better to do something

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right in the beginning. She referenced an article she read about Denver allowing four unrelated people to live together.

Ms. Prosser stated Denver was attempting to move it to four.

Council Member Berzins stated the public needed to know that Denver was at four and Aurora was attempting to go to six.

Council Member Gruber asked Ms. Prosser to further discuss the disaster declaration. Ms. Prosser did so. Council Member Gruber asked if the people who would be helped by going into a suburban home were those who could not afford rent in apartment buildings in Aurora. Ms. Prosser answered affirmatively, noting conversely it could also be someone who was struggling to pay their mortgage. Council Member Gruber stated the goal was finding more affordable housing and putting homeless people into suburban neighborhoods. He asked how it would be enforced.

Sharyn Vallenga, Code Enforcement, stated the City policy with Code Enforcement occupancy concerns was not to conduct proactive enforcement. She further explained the enforcement process once a complaint has been made.

Council Member Gruber asked if the homes were inspected. Sharyn Vallenga answered no, noting a standardized form was used. Council Member Gruber asked how the leases were reviewed. Sharyn Vallenga stated the landlord would be contacted if the home was a rental. Council Member Gruber asked if staff had the authority to review leases. Sharyn Vallenga answered no. Council Member Gruber asked if staff had the authority to access who and how many lived in the home. Sharyn Vallenga answered no. Council Member Gruber asked if staff had the authority to verify the license plates of vehicles parked in front of the house. Sharyn Vallenga answered affirmatively. Council Member Gruber asked if the Code Enforcement Department was sufficiently staffed for this effort. Sharyn Vallenga answered affirmatively. Council Member Gruber stated his understanding that Code Enforcement was understaffed currently and that a restriction was placed on hiring. Sharyn Vallenga stated staff was short by two individuals. Council Member Gruber asked what happened once a violation was realized. Sharyn Vallenga explained notice of violation of municipal code was provided. Council Member Gruber asked how many people have gone to court over this violation in the last year. Sharyn Vallenga answered one. Council Member Gruber noted that was out of a city of 380k people.

Mayor Coffman stated there were audio difficulties that staff was aware of and working to fix.

Council Member Gardner asked if the current occupancy limit was four in a single-family home and this would increase it to six. Mr. Adams answered affirmatively. Council Member Gardner asked if six families could live under the same roof. Mr. Adams answered no. Council Member Gardner asked if this would change anything about other Code Enforcement issues related to the exterior of a home. Mr. Adams answered no.

Sharyn Vallenga concurred.

Council Member Gardner asked if HOAs could make more stringent rules than the City as long as they did not violate the Fair Housing Act. Ms. Prosser answered affirmatively. Council Member Gardner asked if the vote tonight was on a disaster resolution and not the actual resolution. Ms. Prosser answered affirmatively.

Council Member Berzins stated having multiple people living in a small house created health and safety concerns. She pointed out HOAs might have more restrictive rules in that regard and suggested most of the homes with six or more unrelated people living in them would not be in places with HOAs which would limit where they could live. She stated a 900

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square foot home could house six unrelated people and asked if there were any other rules in place besides the 150 square feet such as number of bathrooms or bedrooms. Ms. Sharyn Vallenga stated there was only the 150 square foot per person requirement. Council Member Berzins stated she has reported people in Ward III who were renting mattresses on the garage floor in a home.

Council Member Bergan stated Aurora currently allowed four unrelated people to live in a single-family home and was now working towards allowing six and Denver allowed two and was working towards allowing four. She asked how the six figure was determined. Ms. Prosser stated by looking at adjacent communities. Council Member Bergan asked staff to speak to the reference to an *integration strategy* which related to amending the Unified Development Ordinance. (UDO) Ms. Prosser stated the strategies related to incentives around affordable housing or fee waivers and not rezoning of a property. Council Member Bergan stated allowing six unrelated people would be a part of the integration in the housing strategy and pointed out it appeared to be changing the single-family zoning definition and she felt that would create problems.

Council Member Murillo expressed appreciation to staff for their presentation. She stated she did not believe people would support the enforcement piece where it would be okay for Code Enforcement to go into people's homes. She stated her thanks to staff for the report information.

Council Member Marcano asked staff to speak to the unhoused benefits. Ms. Prosser did so, and stated this would provide a housing alternative for the unhoused and perhaps a cohort with a case manager involved thereby creating more housing choices. Council Member Marcano pointed out some of the more vulnerable parts of the City have been up-zoned. He noted many of those who were expressing concerns regarding those who were less economically advantaged residing in their community were not complaining about up-zoning single-family housing in some of the lower income portions of the City. He suggested Council should examine why that was so.

Mayor Pro Tem Johnston stated this was already happening in the City and asked if increasing the number to six might help temper the reactive Code Enforcement calls. Ms. Sharyn Vallenga stated she could not anticipate how this would impact Code Enforcement.

Council Member Lawson asked staff to speak to their statement related to the number of unutilized bedrooms in people's homes. Ms. Prosser stated this was a strategy to create more options moving forward that could be looked into as a community.

Council Member Gruber asked if these homes would be considered commercial properties. Ms. Prosser answered no. Council Member Gruber stated a property purchased by a real estate investment trust that was rented out to six individuals would be considered a single-family home.

Ms. Prosser concurred.

Council Member Gruber referenced comments related to people currently breaking the law by having four unrelated people living together that would not be breaking the law once this passed.

Ms. Prosser stated the violation information was only based off the residents' reliability to self-report.

Council Member Gruber asked Ms. Prosser if she believed everyone driving on the interstate drove the speed limit. Ms. Prosser answered no.

Council Member Bergan asked Mr. Adams if he believed people bought and lived in a single-family zoning for a reason. Mr. Adams answered affirmatively. Council Member Bergan stated people purchased and lived in single-family zoning with the expectation that six unrelated people would not be living there also, which would be similar to living in multi-family.

Mr. Adams stated that was not a change.

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

Council Member Marcano expressed appreciation to all those who provided comments on the issue and apologized to those who had misinformation. He stated the resolution did not allow for six unrelated families to live in the same single-family home. He stated that was stated clearly in the backup and by staff. He stated this allowed from four to six people in one home. He encouraged everyone to reach out to City Council for accurate information and clarified the item went through the regular process so it was not done in an underhanded or sneaky manner. He stated his intent to bring forth an ordinance to codify the change which would allow for a public hearing and effectiveness data to be generated and provided. He stated the reason it was moving forward quickly was because it was reported that nearly 400k Coloradans would be at risk of eviction in the next few weeks. He stated this was a result of the rental and eviction protections and employment insurance benefits ending. He stated HOAs were able to be more restrictive than City code and the resolution did not prevent them from using their stricter covenants. He stated the vast majority of the comments heard were from those who lived in the southeast portion of Ward VI where all of those areas were a part of metro districts that had covenants that protected their communities. He stated he was heartened to hear people requesting efforts to focus on affordable housing issues. He stated he has been an advocate for affordable housing for years and that he was literally told by previous councils that 'Aurora not in the housing business.' He pointed out the inaction of previous councils was why the City was where it was currently and, while the resolution was not a panacea in and of itself, it was a useful stopgap to buy time while the City worked on other long term housing solutions. He encouraged everyone to take the passions they were using to oppose the resolution and use them to pressure council members to allocate more housing funds. He stated the importance of making sure that big developers were working with the City to include workforce housing in their developments. He stated he was encouraged to hear people express concerns about landlords maximizing profits and the consequences of that on working class residents. He quoted Adam Smith. He stated a large amount of Aurora's single-family homes were purchased by real estate investment trusts during the last recession and were being rented out at hefty profits. He noted in addition, the City has allowed what affordable housing there was to be purchased by investors to allow for redevelopment. He stated his hope the Council would support a right of first purchase which gave preference to people who were already here and would continue to support community land trust in the City. He stated his belief that those measures coupled with more work force housing development would move Aurora in the right direction. He clarified single-family homes were not the City's primary source of revenue therefore allowing people to cohabitate would not only help people avoid homelessness by cost sharing but it would also leave them with more discretionary income to boost the local economy and sales tax collection efforts. He stated he was also encouraged to hear people support rent control and asked people to reach out to their state representatives to ask them to give municipalities local control to create their own rent control regulations in the next legislative session. He stated those who were realizing trash and broken window issues should contact their local HOA and if that did not work, he suggested they contact their council member or Access Aurora with a complaint. He pointed out more unhoused people would have impact on property values than an additional neighbor or two. He stated there were communities that had supportive services that stabilized and increased property

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values because people did not want to live where there were homeless people. He pointed out as a result, the best thing to be done was to put people in homes. He pointed out a family group in terms of COVID and CDC guidelines were those one lived with and not literally a biological family. He agreed the risk increased with larger groups but noted there were already households in the community with high occupancy. He agreed with the sentiment that this appeared to be a Band-Aid on the problem and noted that was due to a lack of action from past councils and a failure at the state and federal level. He stated this was an option to prevent people from becoming homeless. He stated with a choice of a few more neighbors here or there or more unhoused people on the street, he would choose to have more neighbors. He expressed his hope that he could count on the support of his colleagues to provide people with more options and more time to work on long-term solutions.

Council Member Coombs expressed appreciation to Council Member Marcano for his comments. She clarified permitting up to six people in a home would not turn every neighborhood into a network of apartment complexes. She stated that did not mean six families or six leases in one home. She confirmed it also did not force anyone to do anything therefore any homeowner who did not want six people in their home was not required to do so. She stated it did not give a home to a real estate investment trust but instead allowed some people to avoid foreclosure which was a means used by real estate investment trusts to obtain property. She noted this would help people keep their homes by sharing the costs with others which in turn prevented real estate investment trust from purchasing communities to rent out for their profit.

Council Member Bergan expressed appreciation to all those who provided comment. She discussed what she heard in the comments. She stated she heard increased density ran counter to social distancing requirements which prevented the spread of COVID-19 and outside of assisted living facilities, homes with many residents were among those with the highest occurrences of outbreaks. She noted therefore either distancing was necessary to contain the spread of COVID or COVID was over and the economy should reopen. She stated using the guise of COVID was not transparent. She stated she also heard it would put an undue burden on schools without any commiserate increase in property tax revenues; parking and traffic would become a problem on local roads; more Code Enforcement Officers would be needed because of more violations; property values would decline due to the dramatic changes of the character in the neighborhood; and the public should be allowed to vote for transparency. She pointed out almost all of the 300+ comments were in opposition to the emergency declaration in its temporary status as well as the following ordinance that made it permanent and that was just from southeast Aurora residents. She pointed out that, while she did not post it, the information was posted on Nextdoor to communicate with Ward VI constituents what would affect them in their neighborhood. She stated her hope that her colleagues heard the voices also because it was a small sampling and she stated her belief that there would be many more comments if it was advertised in other communities. She stated people purchased single-family homes to live in single-family zoned neighborhoods and not to be next to six unrelated people in a house. She stated people invested in their homes with the understanding that character would be maintained and they stated those who wanted to live in an apartment or duplex would rent one. She stated people worked hard to save up for their down payment to invest in their homes. She agreed property taxes only made up 10 percent of the City's total revenue but 10 percent of a \$500k to million dollar home added up with 70k residents in just one ward. She agreed also that sales tax was the majority of the City's revenue but included in that sales tax number were use taxes and use taxes included building materials. She estimated \$10M a year in use taxes was generated in southeast Aurora alone due to all of the home building going on there. She stated this was not good policy because Aurora already allowed for four unrelated people to live in a house. She stated her belief that this item was looking for a solution to a problem that might not exist yet. She stated there were many theories about what was going to happen with the economy and that remained unknown. She stated there were probably a lot of people who could live four to a house

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therefore an increase to six was not necessary. She reiterated this was bad policy that would eventually be permanent. She stated her hope that her colleagues really heard from the community.

Council Member Berzins referred to Council Member Marciano's blog where he stated his intention to pursue a formal amendment in the months to come. She stated the item was currently temporary and asked where the information that 400k Coloradans were being evicted came from.

Council Member Marciano stated his understanding that the information originally came from Colorado Eviction Defense Foundation and was then picked up by various mainstream publications and organizations. He stated the estimate was from 350k to 500k.

Council Member Berzins noted people were going back to work and being self-reliant was a good thing. She expressed appreciation to those who provided comments on the item. She stated that said something because most of them were from southeast Aurora and she agreed with Council Member Bergan that there would have been even more comments if the item was advertised all over the City. She stated either way, the speakers represented a large group of people and whether or not Council agreed with them or not, it was Council's job to listen to them and what was conveyed was that the residents did not want this. She stated residents wanted Council to find another way to help people. She agreed no one wanted to see homeless on the street but this was not the way to do it. She stated Council heard from a large block of people who paid taxes and voted and who expected the City Council to listen to them. She believed it was their job to do so because they were a part of Aurora and she respected their opinions. She stated it was not up to her to tell them they were wrong and she would listen because they worked hard to save up for their down payment for their homes and that was all they had. She stated it was a problem that this would bring in more children to the schools but more taxes would not be realized. She stated it was a problem that teachers had to pay for supplies out of their own pockets. She stated traffic was already a problem in Aurora and transportation has not been worked on like it should have been and this added to traffic congestion. She stated she had a problem with the notion that it was '*only two more*' people living there and also with wasting staff time counting unutilized bedrooms. She stated when two people speak up there were ten people who did not. She confirmed she heard those who had.

Council Member Murillo expressed appreciation to those who took the time to provide comments. She stated even though she might not agree with what people spoke about, she felt it spoke volumes that so many provided their thoughts. She stated she valued the public comment process and stated her disappointment at the misinformation that was shared on social media which was repeated in some of the comments. She expressed her hope that the information could be clarified in the future. She addressed the emergency declaration process where the City Manager has been able to do several things that Council has supported, noting he was the one who initially brought the item forward. She pointed out the scope of the conversation at this time was timing because the eviction protection moratorium has ended and housing advocates in Aurora were telling Council that they needed to be concerned about this potential wave of evictions. She stated it was timely and responsive and she believed more constituent engagement would have been realized if there would have been more time rather than having an emergency timeframe. She noted that was not lost on the committee or on those who were supporting the item because they would simultaneously initiate a public engagement process to hear people's comments and to address their concerns. She addressed the argument around property values, noting this was all conjecture at this point as it was unknown how it would all happen. She suggested costs would be absorbed at some point if the scenario was true that there were many people experiencing homelessness as a result of the eviction crisis. She stated her preference to be proactive to keep people in their homes because it was much more cost efficient in terms of tax dollars to do so. She stated there were high rates of unemployment where people were not being hired at the same rate that they were unemployed so she saw

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this as being a good steward on a fiscal note and thinking long-term. She addressed the discussion around zoning and pointed out the City rezoned areas all the time, noting up-zoning just happened in Ward I where there were mostly legacy residents. She stated she could not follow that argument when it was okay in other neighborhoods. She stated her frustration because that logic was not equitable. She stated her understanding that people might not know who was going to live next door and pointed out there were resources such as Code Enforcement to address any concerns. She pointed out sometimes people's support systems were not blood related. She noted her doubt that the 75k people who moved to Colorado in the last few years all had family members who lived here that they could live with. She stated there were those constituents that were getting their doctoral degrees who did not have time to have another job and while the City promoted the bioscience and technology career fields in theory, the actual path to access that educational income was difficult without a stable place to live. She stated this was innovative on the part of staff because there was not a rush to build during a global pandemic so housing was not assured. She stated this was a creative way to use idle capacity and to give people the choice to use their home to financially survive the pandemic the way they saw fit. She stated relaxing the guidelines was a directive by the governor on how to best implement and respond to the COVID crisis.

Mayor Pro Tem Johnston expressed appreciation to everyone who provided comments. She stated her disappointment that accurate information was not given to constituents. She stated the item was based on the governor's executive order and was a short-term solution for dealing with the economic realities of the pandemic. She addressed the comments related to property rights and pointed out the owners' property rights included these tools in their tool belt to address these issues. She stated the vote was on the resolution based on staff recommendation and the governor's directive to create a short-term solution. She stated the next step would include a community engagement process that included more data.

Council Member Gardner expressed appreciation to all those who provided comments. He stated many of them were unfortunately intentionally misled by several council members who chose to put out false information on social media with no concern that it was false. He shared questions he asked of a council member's family member and subsequently, within a few days, he received information on how he and six other council members were going to vote on the item. He stated he has not told anyone how he was planning to vote and he found that to be very frustrating and disappointing. He reiterated false comments were made on social media and asked why the Council could not simply debate the merits. He stated he had legitimate concerns related to the proposal and pointed out that, while there were some council members who claimed to be interested in limited government, they in this instance, used the government to create the housing situation they wanted in their area of town. He stated he did not appreciate the insinuations and criticisms that those who did not live in an \$800k home did not work hard or that those who chose a different living arrangement or lifestyle did not belong in a single-family home. He stated he understood that his reality was not everyone's reality but he did not think everyone did. He addressed comments made about multiple vehicles from unrelated people and noted he had a neighbor with six vehicles all in one family. He stated using COVID was a flimsy excuse and there were data points he would like to see before he would vote in favor of a permanent measure. He noted the consensus on the pending housing issues was no one knew what would happen. He pointed out he spoke up about this issue back in March when Council was discussing delaying rent and foreclosures and he wondered why people were surprised by this and stating it needed to be solved right away. He stated that narrative was false because this has been an issue since March. He stated the damage has been done and the false information was out there because some council members chose to take this scorched earth approach. He pointed out he requested Council do better at the previous meeting and expressed his disappointment at their discourse on almost every issue. He stated the Council was a toxic group that did not set a good example of how a legislative body should function. He stated many council member campaign speeches talked about them wanting

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what was best for Aurora and he did not see that happening. He stated this caused the City to suffer and he reiterated his call that Council needed to do better. He stated he would not be voting in support of the item and noted those council members who thought their bullying tactics worked were mistaken.

Council Member Bergan stated she would like to know who Council Member Gardner was referring to because she was the Ward VI Council representative and she did not put out a Nextdoor post out. She asked if Council Member Gardner was stating that she and Council Member Gruber were responsible for comments that were misinterpreted. She clarified she provided the correct information, which was that the item related to six unrelated people and not families, to those who asked. She stated she was very clear on that and she took offense at Council Member Gardner's assertion that she was putting out false information. She stated she did not know what he was talking about and pointed out the comments Council Member Gruber read were from the public who made their own interpretations and she had nothing to do with that. She stated the Nextdoor post was legitimate and Council was allowed to communicate to constituents what agenda items were coming up that would affect them in their neighborhood and to ask for comment. She stated she was very upset and disappointed that her fellow colleague would insinuate that she put out false information when she did not. She stated everyone who owned a home was affected by this item and she believed it should go to the voters because Council was ignoring their voices as well as the COVID concerns. She clarified the governor put this forth as a suggestion and not a mandate. She noted he did not provide a number of residents and left that decision up to the local jurisdictions to determine. She stated Aurora already had four unrelated persons that could live in a single-family home and she felt that was sufficient. She pointed out there was not any evidence of why Aurora should increase that number to six. She agreed it was legitimate for people to think their property values could be negatively affected as a result. She pointed out the discussion was not around the rezoning of a vacant plot of land; it related to established neighborhoods that were zoned single-family and this would change the character of those neighborhoods. She agreed it was initially very confusing because it showed up as dual-listed on the study session and Council agenda and she was uncertain how that was communicated to the public transparently. She stated it was delayed but if it had not been, it would have been voted on at the previous meeting when no one knew about it. She stated it was not intentional when the information first went out with the six unrelated families and not six unrelated individuals and people understood afterwards that it was corrected. She pointed out 300+ comments were submitted and the Nextdoor post had double the number of comments. She stated there were a lot of people who did not write in that understood the correct message who were still opposed to it therefore it was disingenuous to use that as an excuse. She read current comments where residents were asking if they could succeed from the City and join Parker or Centennial which demonstrated how upset people were.

Council Member Gardner stated he would be happy to share timestamps and posts but he would not because he felt everyone knew what happened. He stated he has been the target of a coordinated attack over the past two weeks where he has received messages to his personal email and cell phone where he was being attacked for his vote when he never told anyone his vote. He stated he reached out to a few council members in that regard and they knew who they were. He stated he supported council members who solicited comments on their social media and restated his point that council members were intentionally posting misinformation with the purpose of riling people up. He stated he has seen comments where people call out the misinformation that no one went back to fix. He stated council members should post the correct information and then allow Council to debate its merits.

Council Member Bergan pointed out Council Member Gardner continued to state '*council members*' in the plural and she could not stay on Nextdoor 24/7 to monitor the accuracy of comments. She reiterated she provided the correct information to anyone who asked her. She referenced her conversation with Derek Stephens, Tallyn's Reach, who was asking for

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clarification and was also passing out erroneous flyers that called out how council members would vote, which demonstrated how she corrected people.

Mayor Pro Tem Johnston stated she has seen the screenshots and she appreciated and believed Council Member Bergan corrected information when people misstated that but pointed out it was still out there. She stated council members should only be confident of how they themselves were voting and should not assume how others would vote because doing so only fed into the toxic environment and that was mainly Council Member Gardner's point. She stated she only saw corrections that stated families/individuals and noted she did not know if anyone wanted to own up to listing how other council members were voting because it turned out they were not voting as one might have thought. She asked that council not do that moving forward.

Council Member Lawson expressed appreciation to all those who provided comment and noted she heard from many constituents personally. She stated she too received the screenshots and stated no other council member could think for her. She stated she did not appreciate whoever put the screen shot out there. She clarified she was not accusing Council Member Bergan but pointed out whoever did that really put the Council in a dangerous and volatile situation by putting people's information out there. She addressed whoever did that and stated what was going to happen was different than what was thought. She stated it was wrong, disingenuous and unprofessional and was certainly not the first time misinformation went out. She stated the Council might disagree but they needed to come together. She stated wrong was wrong and this was wrong and Council should know that.

Council Member Hiltz stated she was sorry for what happened to Council Member Lawson and acknowledged this was not the first time council members' personal security was threatened because of a single council member sharing inaccurate information. She stated she would support the item and agreed she had concerns about it on a permanent basis but felt there were ways to mitigate it. She stated Council Members Coombs and Marcano's comments were many of the reasons she planned to support it. She stated Council Member Marcano's points on the hypocrisy of some policies only working in certain situations and the failure of previous councils were correct. She expressed her disappointment that many of the comments played into stereotypes of low-wage workers as less than when the discussion was about essential workers who would be those most likely impacted by this as a result of the pandemic was disappointing. She pointed out most of the comments were from one part of the City and she suggested the Council not assume that was representative of the rest of the City.

Council Member Berzins agreed with Council Member Johnston that Council needed to tone it down because they were elected to work together for the good of the City. She pointed out the Council was being followed on social media and stated the Chair of the Arapahoe Democrats just called Council Members Berzins and Bergan '*the two racists white ladies on Council*' and slammed Council Member Berzins about Elijah McClain. She wondered if someone could speak with the Chair and ask her to also tone it down.

Council Member Gruber stated a lot of the comments were directed at him and he wanted to be sure people knew where it was coming from. He stated his disbelief that Council was not listening to the 300+ people who shared their comments. He expressed appreciation to everyone who provided comments and he addressed the '*families*' issue by reminding everyone that when the item was first proposed, he went to Code Enforcement to discuss enforceability concerns. He pointed out the comments supported the notion that this was going on right now in the City and their comments were loud and clear. He referenced the pit bull ordinance where there were multiple meetings on the topic and conversely there were none with this topic. He stated no one heard about it at all until it started being talked about online and that was primarily because he and Council Member Bergan were putting out the information of what was coming. He stated he sent screenshots of the ordinance

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itself and pointed out it would not expire until 2021. He stated he found it hard to believe that the 400k number of those facing homelessness was accurate when there were only 380k people living in the City of Aurora. He stated 95 percent of the people stated they did not want boarding houses and apartments in their single-family zoning. He pointed out the item would allow for six individual leases for each individual renter in a home so to say otherwise was untrue. He addressed metro districts and HOAs, noting they were reviewing their covenants and it was discovered covenants were not designed to protect the metro districts from the City changing single-family zoning to allow apartments and boarding homes because the metro districts and HOAs believed the City when they stated the area was a single-family zoned area and it would remain so.

Voting Aye: Coombs, Hiltz, Johnston, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber, Lawson

Mayor Coffman stated the item was well intentioned in terms of addressing what was considered a temporary issue as addressed by the governor when he asked local government to relax some of their occupancy rules. He stated if he had confidence that it would remain a temporary measure then he would support it however the sponsor has clearly stated his intention to put forward a permanent policy. He stated doing so would have an adverse impact on central Aurora where there were large neighborhoods without formal HOAs that were already experiencing Code Enforcement challenges.

11. **RECONSIDERATIONS AND CALL-UPS**

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

Stephen Ruger, City Clerk, stated the item pertained to the continuance of virtual City Council meetings.

Motion by Johnston, second by Marcano, to approve item 11a.

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

12. **GENERAL BUSINESS**

- a. Consideration to reappoint one (1) member to the Oil and Gas Advisory Committee
Presenter: Stephen Ruger, City Clerk, General Management/David Lathers, Senior Asst City Attorney

Motion by Gruber, second by Berzins, to reappoint one member to the Oil and Gas Advisory Committee.

Mayor Pro Tem Johnston stated the item was on her big list and while she would support the appointment, she noted she planned to address the board representation to include more neighbors impacted by the industry.

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

13. **REPORTS**

- a. Report by the Mayor

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Mayor Coffman stated he continued to work with businesses, health officials and state government in terms of opening businesses safely. He related his recent visit to the Gaylord Rockies in that regard and noted Council Member Marciano's discussions with the health department on behalf of the Stampede.

b. Reports by Council

Council Member Coombs announced the Ward V online Town Hall meeting was scheduled for Tuesday, July 21, 2020 where Aurora Water representatives would be present to discuss proposed water rate changes and water conservation rebate programs.

Council Member Lawson discussed her attendance at and the success of the recent Aurora Food Pantry event where 500+ families were served.

Mayor Coffman announced the Food Pantry would be at Overland High School on Thursday, July 9, 2020 at 10:00 a.m. and he encouraged council members to attend as it was an extraordinary experience.

Council Member Hiltz announced the Public Safety, Courts and Civil Service Committee meeting was scheduled for Thursday, July 16, 2020 at 11:00 a.m., where police disciplinary and grievance processes and the Elijah McClain independent investigation would be discussed. She invited all those interested in attending to do so. She announced she and Council Member Lawson would be hosting a virtual Town Hall meeting on Thursday, July 23, 2020 at 6:30 p.m. to discuss the budget cuts the City was facing.

Council Member Murillo gave a shout-out to We Don't Waste and Recycle who provided a mobile market recently in Ward I. She announced the Ward I Town Hall was scheduled for Thursday, July 30, 2020 at 6:00 p.m. where public banking and how it might support some of the recovery efforts after COVID would be discussed.

Mayor Pro Tem Johnston stated she would be joining Council Member Marciano and other stakeholders for a campaign finance reform discussion on Wednesday, July 8, 2020 at 6:30 p.m. She announced the Ward II Town Hall was scheduled for Thursday, July 9, 2020 at 6:30 p.m. She raised and addressed the topic of the public comment and messages Council has received, stating she did not think when Council discussed topics that the community was passionate about were mutually exclusive as either/or. She cited the example of council members who attended a protest which some council members viewed as negative. She stated she supported First Amendment rights and therefore did not think it was negative. She pointed out it did not mean it was monolithic just because a council member was at a protest. She stated at the same time, it could be stated that some things at the protest such as doors being roped together and the security issues were wrong. She stated Council could state their support of First Amendment rights, the need for reform, and Black Lives Matter and also bring up issues of concerns in supporting some of the City's police as well. She addressed Council Member Berzins' issues with social media and noted Council could state they did not want any bullying tactics and attacking of character. She reiterated her support for those who attended protests and pointed out it was also a form of privilege for those who were able to go as some did not want to share the reasons why they could not. She cautioned people from equating attending or not attending protests to a specific position because there were other ways Council could work for change while still supporting the community.

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Council Member Marcano announced the Ward IV Town Hall meeting was scheduled for Thursday, July 16, 2020 at 6:30 p.m. on Webe,x where Aurora Sister Cities and Aurora Water representatives would be present to provide presentations and a discussion on finance reform was planned.

Council Member Berzins agreed with Mayor Pro Tem Johnston's comments regarding the importance of First Amendment rights and referenced how things did not always turn out as intended. She agreed there were reasons why some council members did not attend the protests and stated her hope the Ward III Town Hall meeting would take place in August. She asked everyone to stay safe and to wash their hands and noted it was a pleasure to hear all of the public comments.

14. **PUBLIC INVITED TO BE HEARD**

Staff read public comments submitted to publiccomment@auroragov.org into the record up to the first three minutes and attached the comments to the minutes.

15. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 1:37 a.m.



MIKE COFFMAN, MAYOR

ATTEST:



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