

MINUTES

Regular Meeting – Aurora City Council Monday, June 1, 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 JUNE 1, 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, Johnston, Hiltz, Lawson, Marcano, Murillo

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 MAY 18, 2020

Motion by Marcano, second by Bergan, to approve the minutes of the meeting of May 18, 2020, as amended.

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

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6. **CEREMONY**

No ceremony

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

Kristin Robinson provided comments via mp3 relating her support for HB19 – 1234.

Stephen Ruger, City Clerk, stated he would read public comments submitted to publiccomment@auroragov.org into the record. He noted he would read up to the first three minutes of the comment and then the comments would be attached to the minutes and also emailed to Council.

Darlene Jones' comment discussed the death of Elijah McClain at the hands of Aurora Police and the need for police accountability.

Troy Valentine, Founder of Say Their Names 5280, discussed police brutality and racism in Aurora. He stated Aurora Police needed an oversight committee.

Hanna Camp's comment discussed her opposition to how City resources were used in the wake of Elijah McClain's death and the abuse of Aurora Police Department. She requested steps be made to demilitarize the police department and stated Aurora Police needed an oversight committee.

Sonia Skakich-Scrima's comment discussed how leadership escalated the protest situation as a result of George Floyd's murder and requested Aurora leadership learn to be proactive and use healing policy. She stated Aurora Police needed an oversight committee.

Jacque Scott's comment discussed appropriate cleaning of playgrounds and schools and provided a link to a cleaning company.

Michelle Driessnack's comment discussed the COVID crisis at the GEO Detention Center.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR**

General Business

- a. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to Elite Industries, Castle Rock, Colorado in the amount not-to-exceed \$50,996.75 for median landscape maintenance services for the North side of the city through October 31, 2020. B-4390

Presenter: Wesolowski, John - Manager of Parks & Forestry - Parks, Recreation & Open Space - Dave Lathers, Senior Assistant City attorney

- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Norm Services, LLC, Aurora, Colorado in the not-to-exceed amount of \$210,080.00 for removal and disposal of residual material from the Binney Water Purification Facility Drying Bed Number 4, Invitation for Bid B-4514.

Presenter: Oligo, Bobby - Manager of Water Treatment - Aurora Water-Dave Lathers, Senior Assistant City Attorney

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- c. Consideration to AWARD A SINGLE SOURCE CONTRACT to Lynker Technologies, Boulder, Colorado in the amount of \$166,500.00 for professional services associated with the Lower South Platte Master Plan Modeling.
Presenter: Davis, Alexandra - Deputy Director/Water Resource - Aurora Water - Dave Lathers, Senior Assistant City Attorney
- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Solitude Lake Management, Wheat Ridge, CO in the amount of \$426,535.28 for the Quincy Reservoir Water Quality Improvements Project, Project No. B-4517. **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)**
Presenter: Young, Sarah - Deputy Director Wtr Plan/Engin - Aurora Water/Dave Lathers, Senior Assistant City Attorney
- e. Consideration to EXTEND a competitively bid contract for Fire Protection Repair and Maintenance Services to Fire Protection Inspection Services, LLC, Wheat Ridge, Colorado in the amount not-to-exceed \$50,000.00, B-4380.
Presenter: Lynne Center, Deputy Director PW Operations/Dave Lathers, Senior Assistant City Attorney
- f. Consideration to APPROVE the UC Health Hospital Based Violence Intervention Program Agreement
Staff Source: Jason Batchelor, Deputy City Manager

Motion by Bergan, second by Marcano, to approve items 9a – 9f with a waiver of reconsideration on item 9d.

Council Member Berzins asked if item 9f was considered a pilot program.

Jason Batchelor, Deputy City Manager, stated the two years of funding was needed to measure the program’s impact.

Council Member Berzins stated she was hesitant to use Aurora taxpayer money to fund this item because anyone would benefit from this program and not just Aurora residents.

Mr. Batchelor stated he would look into the issue but stated his understanding it was for Aurora residents.

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

10. **RESOLUTIONS**

- ♦ a. **R2020-40** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement (IGA) with Colorado Department of Transportation (CDOT) for Funding of the Bike & Pedestrian Bridge Project.
Presenter: Kozakowski, Matthew - Transp Proj Delivery Mgr - Public Works - Michelle Gardner, Senior Assistant City Attorney

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

Council Member Bergan asked staff to explain the overmatch for the pedestrian bridge and if the developer would contribute.

Matthew Kozakowski, Transportation Project Delivery Manager, Public Works, did so, noting there would not be a developer contribution to the project.

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Council Member Bergan asked if the developer was asked to contribute because it was their project.

Nancy Freed, Deputy City Manager, stated the reason the City chose to overmatch was because the City gained more points to get the grant.

Council Member Bergan stated she understand that more points helped with the grant but asked why the City was funding the entire project with CDOT funds when there has been so much discussion related to developers paying their way in Aurora. Mr. Kozakowski stated Public Works was not involved in planning the project so he could not speak to any developer negotiations prior to the award of the grant.

Jason Batchelor, Deputy City Manager, stated the City has spent considerable funds to secure the site and the negotiations with the developer have primarily been associated with recouping the City's investment in procuring the site.

Council Member Bergan stated she did not think the City should fully fund the pedestrian bridge because doing so was not fair to all developers. She stated the rules in Aurora should be the same for all developers.

Council Member Gruber asked what type of money was being used. Mr. Batchelor stated his belief that the project was considered a public improvement therefore the funding came out of the Capital Projects Fund. Council Member Gruber pointed out the City was facing a \$25M deficit for 2020 and asked if the project could be postponed until next year's funds were determined.

Ms. Freed discussed the long history involved with getting the bridge built and noted there were time constraints on the project and on when the money could be spent.

Council Member Gruber pointed out a lot has changed since the project began and he did not think anyone would be surprised if the City requested a one-year delay.

Mayor Pro Tem Johnston asked staff if the City has ever requested a developer pay for a pedestrian bridge.

Cindy Colip, Director, Public Works, stated she was unaware of a developer paying for a pedestrian bridge and noted it was usually funded through a light rail project or through other transportation improvement project money from the Denver Regional Council of Governments. (DRCOG)

Mayor Pro Tem Johnston stated the City received grant funding for the project and she would support it. She pointed out this was a project that connected transit with affordable housing and addressed the Unified Development Ordinance (UDO) concerns to provide bike and pedestrian traffic opportunities that would address traffic in the City.

Council Member Gruber clarified the difference was the pedestrian bridge went over to a developer-created entity and a substantial profit was tied to it. He stated his understanding that an Alamo Draft House was proposed and the developer worked with King Soopers to put in the new King Soopers. He pointed out this was an energizing element to the development and it was a stretch to state the City was putting it in because it was a good idea and not for developer benefit because it was obvious the bridge was being put in the make the developer's property more valuable.

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Council Member Coombs stated the City has been engaged in this project for five years and it was time to get it moving. She stated she did not personally agree with all of the steps that have been taken including concessions given to the developer and noted she would love to see the developer contribute. She pointed out however, she did not think the City should give up grant funding or their ability to build an amenity that her constituents have been asking for and anticipating for a five-year period. She noted it would be ill-advised for the City to deny funding which they were unlikely to get again if the item were further delayed.

Council Member Bergan stated this would definitely benefit the developer therefore she felt the developer should contribute towards it. She asked if the developer has received any store or business commitments at this time. Mr. Batchelor stated with regards to the overall site, the King Soopers has moved to the new larger store, the in-line retail was nearing completion and the KeyBank has moved. He stated the next step was for the KeyBank to be demolished and the new King Soopers gas pad to be completed. He pointed out additional development on the south side was not likely until that occurred. He further discussed the metro district's infrastructure plan and stated he was unaware of the current status of store commitments for the north retail but stated his understanding they were having good success with those leases. He discussed the high level of interest in businesses such as a movie theater but pointed out he has not had an update from the developer since COVID hit so he was unaware of its impact. Council Member Bergan pointed out movie theaters were going out of business because of COVID and asked what the City incentives were for the project overall. Mr. Batchelor stated the City was using the incremental tax from the northern portion to construct the infrastructure associated with the redevelopment of the site.

Mayor Coffman pointed out transit-oriented development required a partnership between the City of Aurora and the developer and it provided a benefit to the community as a whole beyond the project itself.

Council Member Bergan stated she understood that and pointed out she believed in economic development for a lot of projects, and asked City's investment especially how much has been given in incentives. Mr. Batchelor stated the City has committed the incremental property and sales tax from the north portion of the site towards the metro district. He stated the metro district was using that along with the metro district mill levy to construct approximately \$16-\$18 million of improvements to the site which was owned by the Urban Renewal Authority. (AURA) He stated therefore AURA's investment thus far went into placing infrastructure on the site to improve the value of the property.

Council Member Marcano stated his understanding that the potential tenants were not public knowledge and asked staff to speak to violating confidentiality from the Council executive sessions. He discussed his history with the item as the lead project designer for the King Soopers prior to his term on City Council, where he recalled the initial plan was for the pedestrian bridge to have a match from the developer. He pointed out the project has been in the works for a long time and he wanted it to be successful because the City has a lot invested in it and also because it was in Ward IV and those residents have been looking forward to the bridge's completion. He stated he found it highly suspicious and retaliatory that after previous discussions, council members' were raising issues at this time, noting that was highly speculative and he did not appreciate how disingenuous they were behaving in this regard. He pointed out the project was underway with tenants lined up and affordable housing slated for the site.

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Council Member Bergan pointed out she asked the very same questions when the item was approved in 2015.

Council Member Gruber pointed out council members put their votes out all of the time and stated the issue was the City giving a grant to a developer without the developer contributing.

Council Member Berzins stated she has been working on the development for over ten years. She asked if AURA owned the property. Mr. Batchelor answered affirmatively. Council Member Berzins asked if the developer would pay the City back. Mr. Batchelor answered affirmatively, noting it was staff's goal, in negotiating further development of the site, to ensure the loan, that went to secure the property and remediate and remove all of the buildings, was fully repaid. Council Member Berzins asked *(inaudible)* Mr. Batchelor stated it would depend, noting AURA could potentially own a portion of it, it could be a combination of individual tenants or others as well as the affordable housing parcel therefore there could be a variety of different landholders. Council Member Berzins stated her understanding of her colleagues' concerns but pointed out they would not be helping this particular developer by giving him all this money because it would go to several people.

Mr. Batchelor concurred. He pointed out staff agreed the pedestrian bridge would be beneficial overall and they viewed it as critical infrastructure. He stated the investment in the infrastructure improved the overall value of the property for AURA and any future landowners.

Council Member Berzins agreed there was a real problem with coming up with \$3M at this time because things would have to be cut out of the budget to do so.

Council Member Marcano stressed the public safety component of the improvement particularly for those who frequented Nine Mile Station especially during the winter months when it could be slippery. He pointed out having a bridge would also benefit the elderly residents and reminded everyone of the proximity of the senior living facility to the King Soopers. He stated this was a part of a much-needed infrastructure improvement for those who commuted downtown that had benefits not just to the developer. He agreed it would be great if the deal could have been negotiated differently to make sure the developer pay their way but this was the reality and he believed it was in the best interest of Ward IV and all Aurora residents.

Council Member Coombs concurred, noting it was also a benefit to Ward V residents. She agreed the council member comments related to paying for parts of infrastructure that Aurora was being given money to build with were difficult to conceive as genuine by those council members who were always willing to put in millions of dollars in incentives. She reiterated the situation of the developer's lack of contribution to the project was created by a past council and pointed out she cared about her constituents and others having public access to public transit as well as to safely traversing Parker Road, which was what this provided.

Council Member Gruber stated he would support the item and noted sometimes it was in the City's best interest to make economic development arrangements that helped the City and noted those who felt the previous Council made a mistake could vote in opposition.

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

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Voting Nay: Berzins

- ◆ b. **R2020-41** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement between City of Aurora and City of Centennial for the Maintenance of East Smoky Hill Road (Pheasant Run Parkway to South Richfield Street)
Presenter: McMinimee, Thomas - Street Operations Manager - Public Works- Michelle Gardner, Senior Assistant City Attorney

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

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

- ◆ c. **R2020-42** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to Approve an Intergovernmental Agreement Between the state of Colorado's History Colorado and the City of Aurora, Colorado's History Museum to Hold in Trust and Manage the State's Archeological Collection Stored At The Plains Conservation Center
Presenter: Williams, Trevor "Scott" - Museum Supervisor - Library & Cultural Services- Tim Joyce Assistant City Attorney II

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

Council Member Coombs expressed appreciation to staff for their efforts in this regard, noting she was very excited about the possibility that this could educationally and culturally improve the City.

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

- ◆ d. **R2020-43** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, Expressing the Aurora City Council's Support of The Homeless Services Grant Request For Proposal ("RFP") Application Process.
Presenter: Prosser, Jessica - Manager of Community Development - Neighborhood Services-Tim Joyce Assistant City Attorney II

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

Council Member Murillo stated she was excited the City was moving forward with this process to support people in an equitable way.

Council Member Gruber agreed he was also glad to see the City moving forward with these processes. He pointed out the ordinance related to the process and not the budget numbers associated with it.

Council Member Bergan expressed appreciation to staff for their efforts in this regard and asked if this would be reviewed annually.

Jessica Prosser, Manager, Community Development/Neighborhood Services, stated the item would be reviewed every two years to allow agencies to have more assurance of their funding.

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

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- ◆ e. **R2020-44** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, Expressing the Aurora City Council's Support Of the Affordable Housing Gap Financing Application And Process
Presenter: Prosser, Jessica - Manager of Community Development - Neighborhood Services-Tim Joyce, Assistant City Attorney II

Motion by Coombs, second by Lawson, to approve item 10e.

Council Member Berzins referenced the funding source and asked where the \$300k from unallocated marijuana tax revenue came from.

Jessica Prosser, Manager, Community Development, Neighborhood Services, stated the funding has not been specifically allocated at this time. She stated it would be used for the eligibility requirements under the program for homelessness service providers for capital and other infrastructure needs and not operational needs.

Council Member Berzins stated her understanding that one-time-only funding was required in this regard. She pointed out she raised the issue because she was told no when she wanted to use the unallocated marijuana funds for Nexus programs.

Ms. Prosser stated it would be used as it was available.

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

Voting Nay: Berzins

- ◆ f. **R2020-45** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an agreement for temporary use of groundwater between the City of Aurora and Rock & Rail LLC.
Presenter: Young, Sarah - Deputy Director Wtr Plan/Engin - Aurora Water-Stephanie Neitzel, Assistant City Attorney II

Motion by Berzins, second by Bergan, to approve item 10f.

Council Member Marcano asked if this was a renewable source of water and if not, how much water was estimated to be in there.

Marshall Brown, Director, Aurora Water, stated it was not necessarily a renewable source of water, noting groundwater did renew at a slow rate and this was a relatively small single well with a relatively small volume of water that would be used as a temporary source of supply only.

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

- ◆ g. **R2020-46** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the United States Department of the Interior Bureau of Land Management Colorado State Office and the city of Aurora, Colorado, acting by and through its Utility Enterprise, for provision of and management of augmentation water in South Park
Presenter: Davis, Alexandra - Deputy Director/Water Resource - Aurora Water-Stephanie Neitzel, Assistant City Attorney II

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

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

- ◆ h. **R2020-47** Consideration to APPROVE A RESOLUTION approving an Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise, and Metro Wastewater Reclamation District for Delivery of Reclaimed Wastewater.
Presenter: Davis, Alexandra - Deputy Director/Water Resource - Aurora Water-
Stephanie Neitzel, Assistant City Attorney II

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

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

- ◆ i. **R2020-48** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the water line construction and cost reimbursement agreement between Aerotropolis Area coordinating Metropolitan District, a Quasi-Municipal Corporation, and the City of Aurora, acting by and through its Utility Enterprise.
Presenter: Young, Sarah - Deputy Director Wtr Plan/Engin - Aurora Water -
Christine McKenney, Client Group Manager

Motion by Marcano, second by Bergan, to approve item 10i.

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

- ◆ j. **R2020-49** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to acquire certain real property legally described as Lot 18, Block 1, Harmony Subdivision Filing Number 3 and being commonly referred to as 26899 E 1st Place Aurora, CO 80018 in Arapahoe County to serve as Fire Station 17 **(STAFF REQUESTS A WAIVER OF RECONSIDERATION)**
Presenter: Reynoso, Hector - Manager Real Property Services - Public Works -
Michelle Gardner, Senior Assistant City attorney

Motion by Johnston, second by Berzins, to approve item 10j with a waiver of reconsideration.

Mayor Pro Tem Johnston asked when the item would be completed.

Jason Batchelor, Deputy City Manager, stated there was not currently a definitive timeline but noted based off the typical process and timeline, construction was expected to start this summer and the City would take possession in the fall with occupancy anticipated to be prior to Thanksgiving.

Council Member Gardner stated he was glad to hear the timeline was relatively short because it was no secret that response times in this part of Aurora were insufficient currently.

Council Member Hiltz stated she was excited to see the item moving forward.

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

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- ◆ k. **R2020-50** 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 County Of Arapahoe, Colorado, For The Distribution Of CARES' Act Funds
Presenters: Wayne Sommer, Manager of Internal Audit, General Management/Rachel Allen, Client Group Manager

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

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

11. **INTRODUCTION OF ORDINANCES**

- ◆ a. **2020-17** Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, Amending Various Sections of Chapter 130 Of the City Code Related to Marketplace Sellers and Marketplace Facilitators
Presenters: Trevor Vaughn, Manager of Tax and Licensing - Finance/Hans Hernandez Perez, Assistant City Attorney II

Motion by Bergan, second by Gardner, to introduce item 11a.

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

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2020-18** Public Hearing and Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, Vacating a Portion of the Public Right-Of-Way for South Andes Circle, A Developed Street Located Between South Tower Road And East Colorado Drive, City Of Aurora, County Of Arapahoe, State Of Colorado (South Andes Circle Street Vacation)
Presenter: Loomis, Ryan - Senior Planner - Planning & Development Services -Dan Money, Senior Assistant City Attorney

Stephen Ruger, City Clerk, clarified item 12a was not a public hearing.

Motion by Bergan, second by Marcano, to introduce item 12a.

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

- ◆ b. **2020-19** Public Hearing and Consideration OF AN ORDINANCE FOR INTRODUCTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, to Approve the Amended and Restated Service Plan for the Aurora Crossroads Metropolitan Districts Nos. 1, 2 and 3 and Authorizing the Execution of an Intergovernmental Agreement between the City of Aurora and the Districts.
Presenter: Irvin, Vinessa - Manager Of Development Assist - General Management-Brian Rulla, Assistant City attorney I

Mayor Coffman opened the public hearing and hearing no comment, closed the public hearing.

Motion by Gruber, second by Bergan, to introduce item 12b.

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

13. **ANNEXATIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, finding a Petition for 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, To Be in Substantial Compliance with Section 31-12-107(1), C.R.S., And Giving Notice of a Public Hearing on the Proposed Annexation (Colorado Christian Fellowship Annexation 9.2 acres)
Presenter: Cox, Jacob - Senior Dev Project Manager - General Management -Brian Rulla, Assistant City Attorney I

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

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

14. **RECONSIDERATIONS AND CALL-UPS**

- ◆ a. RECONSIDERATION OF RESOLUTION 2020-22 – Review of the powers granted to the City Manager by Resolution 2020-22. The powers granted to the City Manager which are set forth in the Disaster Declaration shall remain in place until a majority of Council votes to end the Declaration.
Staff Source: Jim Twombly, City Manager
Presenters: Matt Chapman, Fire Battalion Chief/Nancy Rogers, Deputy City Attorney/Rachel Allen, Client Group Manager/ Isabelle Evans, Assistant City Attorney II

Motion by Gruber, second by Lawson, to end the special powers called out in item 14a.

Stephen Ruger, City Clerk, asked staff to speak to the correct language for the item.

Dan Brotzman, City Attorney, stated the item would end the declaration.

Council Member Gruber stated his phrasing was intentional because the resolution language was a statement rather than a position.

Mayor Coffman asked Mr. Brotzman if an amendment was required in this instance. Mr. Brotzman answered no.

Mayor Pro Tem Johnston stated her understanding that this item was reviewed at each Council meeting and asked for a City management perspective because the City and City buildings remained closed and not fully operational and she did not want the ending to be premature.

Jim Twombly, City Manager, did so, noting the item was put into place in mid-March when not much was known about COVID-19 and what the City's needs would be. He pointed out the disaster declaration provided broad powers for the City Manager to make decisions in that regard. He noted the City wanted the declaration for purposes of enforcement once the Tri-County Health and governor's Stay-At-Home Orders went into effect. He noted it worked very well for that and now, the City had a better idea of what was going on with COVID as they headed into recovery mode at City Hall. He noted a recovery manager and committee

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were currently in place and the City was in a position to safely terminate the disaster declaration. He clarified it could be restarted should a second wave of the virus be realized.

Council Member Gardner expressed concerns that City Council would be sending a mixed message if the declaration was terminated at this time considering they were encouraging residents to wear masks, the first responders to wear Personal Protective Equipment (PPE) and businesses to install Plexiglas.

Mr. Twombly stated many of those precautions were coming from the governor's public health orders to ensure public health continued to improve whereas the City's programs were things that could be done without a disaster declaration in place. He stated the City was managing the situation with the understanding that currently there was not a cure or vaccine.

Council Member Coombs asked if the City would continue to be under a State of Emergency if the disaster declaration was repealed. Mr. Twombly stated an emergency declaration was put in place five days after the disaster declaration and should be reviewed as well.

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

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

Stephen Ruger, City Clerk, clarified the item, noting the original resolution suspended Council rules to allow for virtual meetings and public comment. He stated there was a sunset clause in effect so the item required an extension to continue until in-person meetings resumed.

Motion by Marcano, second by Bergan, to approve item 14b.

Council Member Gardner expressed concerns on the record related to the need to suspend Council Rules of Order because he did not see why the Council would be outside their regular Rules of Order.

Council Member Lawson asked if the rules suspension were extended now and then a date certain would be determined. Mr. Ruger stated the vote currently was to extend the suspension. He noted a prudent approach would be to then bring the item back on every agenda for reviewed and decision similarly to the disaster declaration.

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

15. **GENERAL BUSINESS**

- a. Metropolitan Wastewater Reclamation District Board Member Appointment
Presenter: Ruger, Stephen - City Clerk - General Management - Dave Lathers, Senior Assistant City Attorney

Motion by Marcano, second by Bergan, to appoint John Minglis and Bob LeGare to the Metropolitan Wastewater Reclamation District Board.

Voting Aye: Mayor Coffman, 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.*

16. **REPORTS**

a. Report by the Mayor

Mayor Coffman stated he would be working with Council Member Gruber, who the City Council designated as the lead on the City's efforts to get Space Command Headquarters at Buckley Air Force Base, and further discussed the process in doing so. He announced a segment he planned to do on Channel 8 concerning the work and leadership of Mayor Pro Tem Johnston with regards to bridging the divide between the City of Aurora Police Department and the African-American community in the City.

b. Reports by Council

Mayor Pro Tem Johnston stated the task force was a collaborative effort and noted she really appreciated the support. She deferred further comments in lieu of a brief moment of silence for George Floyd and his family.

Council Member Gruber agreed what happened to George Floyd was sad and he honored the protestors who were working to share his memory. He raised the topic of Buckley Air Force Base, noting it was designated as one of the top four bases chosen by the Department of Defense as a base that had a chance to garner the Space Command Headquarters. He discussed the item passed recently by City Council related to a new hospital being built at the intersection of I-70 and E-470.

Council Member Hiltz echoed Council sentiments about George Floyd and his family. She stated what happened to him was nothing short of murder at the hands of police and pointed out that could not be ignored when discussing police reform in the City of Aurora. She stated no police department was immune to what happened and everyone needed to do more and be better than they have been. She reminded everyone that she sponsored a resolution in 2018 to make June Firefighter Cancer Prevention and Awareness Month and further discussed the annual efforts being made to help educate and decrease the likelihood of cancer in the fire department.

Council Member Gardner read a statement related to recent events as a result of the death of George Floyd for the record.

Council Member Murillo discussed her deep disappointment and frustration at the ending of the **Community-Campus Partnership** that aimed at including access and divested further out of community particularly during a global pandemic. She stated black lives mattered to her and stated her support of people's right to protest because it got work done. She stated she was deeply sad to hear of the escalation in Denver in that regard. She reiterated her support for the Aurora Police Department and noted the importance of growing consciousness and of the duty to hold people accountable for their actions. She noted there was a protest recently in Aurora where productive dialogue related to how best to support impacted communities was realized. She stated what was magical about that was that it was led by the impacted communities and not public officials. She stated the movement did not belong to one individual and advertising it in any other way was disingenuous and was exerting power and privilege in a very toxic way. She stated impacted voices were not elevated as was evidenced in the order of comments at the meeting. She stated she looked forward to supporting the larger effort around police reform and working collaboratively with her colleagues as well as impacted voices in that regard.

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Council Member Lawson extended condolences to George Floyd, Breonna Taylor, Ahmaud Arbery, Elijah McClain and all those black and brown people who have suffered through the Coronavirus, noting it demonstrated disparities in the Aurora community and nation as a whole. She stated the need to have these conversations regarding reform and the injustice in the justice system. She noted these were scary times as a black women with a black father and stated her support of police officers and her belief that not all of them were bad. She stated she looked forward to working with her colleagues on these reforms because this could not continue and it was time to stop talking and to take action.

Council Member Berzins agreed with her colleagues' comments, noting her heart went out to Mr. Floyd's friends and family and to the City of Minneapolis. She stated what happened to Mr. Floyd was completely wrong and expressed her hope that the person who did this to him was brought to swift justice.

Council Member Bergan echoed the sentiments of her colleagues. She stated the murder of George Floyd was tragic and wrong and her heart went out to his family. She expressed her hope that the police task force would create a time of healing and better relations with the community. She stated Aurora police officers should not be defined by a few rogue officers that commit these terrible acts. She stated the City has great officers that serve and protect the City. She stated her hope that protests remained peaceful because violence did not do any good for anyone and only served to dishonor George Floyd.

Council Member Coombs referenced her colleagues' comments expressing dismay at the death of George Floyd, Breonna Taylor, Ahmaud Arbery and Elijah McClain. She pointed out these were recent examples on the top of everyone's minds but these issues have been ongoing therefore it should be remembered that these were not just rogue officers here and there but were rather a part of how police have operated in the United States. She stated militarizing and deploying police forces like the military created a relationship where people were viewed as enemy combatants and it promoted the kind of senseless killing that was seen again and again. She pointed out discussions around reform could not be incremental or minimal but must significantly change the entire approach to policing. She stated reasoning what other material conditions were leading people to go to the streets at the risk of their lives to COVID or at the hands of police must be considered. She stated part of it was acknowledging and mourning but also the social and economic ways which were allowing people to be killed. She stated the breadth and scope of the issue must be acknowledged. She expressed her hope that those protestors who came out to remind everyone that these problems were in Aurora's backyard would be honored and that real action and reform could be the result.

Council Member Marcano expressed appreciation to everyone for their comments and noted he was in agreement with them. He thanked those who elevated George Floyd and Elijah McClain in their comments. He noted he did not want the fact that Elijah sparked a discussion and action and George reignited it to get lost as police and criminal justice reform in Aurora was being discussed. He echoed Council Member Coombs' comments regarding a more holistic approach because it was important to remember that housing, healthcare and wages were public safety issues. He stated those issues should be considered when discussing improving people's material conditions to alleviate the underlying causes that allowed people to be involved with criminal justice as well as use of force. He announced the Ward IV meeting would be replaced with a joint community meeting around public safety and reform as he has received a tremendous amount of feedback from the community in this regard. He noted details would follow. He announced the appointment of xxxx to the

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Citizens Budget Advisory Committee and congratulated Colin and Michaela on becoming parents and making him an honorary uncle.

17. **PUBLIC INVITED TO BE HEARD**

None

18. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 9:32 p.m.



MIKE COFFMAN, MAYOR

ATTEST:


