

MINUTES

**Regular Meeting – Aurora City Council
Monday, May 4, 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, Johnston, Lawson, Marcano, Murillo
COUNCIL MEMBERS ABSENT:	Hiltz
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

The executive session was recorded pursuant to the requirements of state law.

1. **RECONVENE REGULAR MEETING OF MAY 4, 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, Lawson, Marcano, Murillo

COUNCIL MEMBERS ABSENT: Hiltz

COUNCIL MEMBERS ARRIVING AFTER ROLL CALL: Johnston

3. **MOMENT OF SILENCE**

Mayor Coffman called for a moment of silence in memory for former Aurora Fire Medic, Paul Cary, for his heroism and bravery.

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

- ♦ *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.*

5. **APPROVAL OF THE MINUTES**

a. April 06, 2020

Motion by Marcano, second by Coombs, to approve the minutes of the meeting of April 6, 2020, as presented.

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

b. April 20, 2020

Motion by Gruber, second by Bergan, to approve the minutes of the meeting of April 20, 2020, as presented.

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

6. **CEREMONY**

- Proclamation Honoring Gaurdie Banister Sr. – Mayor Coffman
- Proclamation Honoring Pastor Milton Thomas Sr. – Mayor Coffman

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

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.

Subha Thoppay discussed the importance of providing more COVID-19 testing in Colorado.

Darlene Jones discussed her objections to businesses being opened and her support of more testing and a facemask requirement in Arapahoe County.

Marty Shea discussed his support of a mandatory facemask requirement in Arapahoe County.

Ronald Ernest Paul discussed the financial impact of COVID-19 on Aurora's economy and asked the City's plan to balance the budget while continuing to provide services for the citizens.

Michael Terry, Amorphous Bully Camp, spoke on behalf of End Aurora BSL group, and discussed Aurora's Breed Specific Legislation and his own dog, Aurora.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as amended with item 10c postponed to the May 18, 2020 meeting.

Motion by Berzins, second by Gruber, to adopt the agenda as amended.

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

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9. **CONSENT CALENDAR**

General Business

- a. Consideration to AWARD A CHANGE ORDER TO THE COMPETITIVELY BID CONTRACT with BT Construction, Henderson, Colorado in the amount of \$245,865.97, for the Rampart PCCP Replacement On-Call Construction Task Order No. 4 Project, Project No. 5732A.
Presenter: Sarah Young, Deputy Director, Planning and Engineering, Aurora Water/Bryn Fillinger, Manager of Purchasing and Contracts
Other Participants: Dave Lathers, Senior Assistant City Attorney
- b. Consideration to AWARD A SINGLE SOURCE CONTRACT to Black & Veatch Corp., Denver, CO in the amount of \$171,787.00 for Final Engineering Design Services and Services During Construction for electrical improvements, gate actuator replacements, tower deicing compressor system replacement and miscellaneous metal work on the jib crane assembly.
Presenter: Sarah Young, Deputy Director, Planning and Engineering, Aurora Water/Bryn Fillinger, Manager of Purchasing and Contracts
Other Participants: Dave Lathers, Senior Assistant City Attorney
- c. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Stantec Consulting Services, Inc., Fort Collins, Colorado in the amount of \$120,179.00 to add final design and construction phase engineering services for the Channel Aggradation Study and Remediation Plan Phase 1 Project, R-1725.
Presenter: Sarah Young, Deputy Director, Planning and Engineering, Aurora Water/Bryn Fillinger, Manager of Purchasing and Contracts
Other Participants: Dave Lathers, Senior Assistant City Attorney
- d. Consideration to AWARD WORK PACKAGE NO. 3 of the Tollgate Creek Confluence Project, Project No. R-5669A, to Concrete Express, Inc., Denver, Colorado in the amount of \$1,402,667.31.
Presenter: Sarah Young, Deputy Director, Planning and Engineering, Aurora Water/Bryn Fillinger, Manager of Purchasing and Contracts
Other Participants: Dave Lathers, Senior Assistant City Attorney
- e. Consideration to AWARD A SINGLE SOURCE CONTRACT to Concrete Express, Inc., Denver, Colorado in the amount of \$974,247.10 for the 2020 Concrete Infrastructure Rehabilitation South Program. (**Staff request a Waiver of Reconsideration**)
Presenter: Thomas McMinimee, Street Operations Manager, Public Works/Bryn Fillinger, Manager of Purchasing and Contracts
Other Participants: Dave Lathers, Senior Assistant City Attorney
- f. Consideration to AWARD CHANGE ORDER #5 TO THE COMPETITIVELY BID CONTRACT with Concrete Express, Denver, Colorado in the amount of \$47,658.00 for the High Line Canal North Trail Improvements - I-70 to Denver City Limits, Project No. 5680A.
Presenter: Tracy Young, Manager of PROS Plan, Design, Cons, Parks, Recreation & Open Space/Bryn Fillinger, Manager of Purchasing and Contracts
Other Participants: Dave Lathers, Senior Assistant City Attorney

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

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

Final Ordinances

- ◆ g. **2020-12**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, Amending Section 70-20 of the City Code of the City of Aurora, Colorado, for Designation of the Floodplain Administrator'
Presenter: Victor Rachael, Deputy Director PW Engineering
Other Participants: Michelle Gardner, Senior Assistant City Attorney

Motion by Berzins, second by Coombs, to approve item 9g.

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

- ◆ h. **2020-13**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Section 66-34(b) relating to fireworks.
Presenter: Deputy Fire Chief Caine Hills, Fire
Other Participants: Isabelle Evans, Assistant City Attorney II

Motion by Coombs, second by Bergan, to approve item 9h.

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

10. **RESOLUTIONS**

- ◆ a. **R2020-33**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, requesting that Congress Approves Legislation Extending Economic Relief Help to Undocumented Immigrants affected by the current Health Crisis Related to the COVID-19. ***(Tied 5-5 (Coffman, Berzins, Bergan, Gardner, Gruber voting no) at the April 20, 2020 Regular Council Meeting) ****
Presenter: Hans Hernandez Perez, Assistant City Attorney II
Sponsor: Council Member Coombs

**Per Council Rules of Order and Procedure if any matter is defeated by reason of a tie vote, it shall be rescheduled for action at the next regularly-scheduled City Council meeting unless a motion to reschedule it to a different time is adopted. (Rules of Order and Procedure for the Aurora, Colorado, City Council Sec. F.6.)"*

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

Stephen Ruger, City Clerk, read the public comment aloud.

Dr. Arnie Schultz commented in support of the item.

Council Member Coombs expressed her hope that her colleagues would consider the fact that the item related to the current emergency situation and measures. She stated there were residents who were frontline workers and as such should have assistance should they fall ill or should they have to take care of a family member who was ill.

Council Member Marcano expressed appreciation to Council Member Coombs for bringing the item forward and to Dr. Schultz for his comments. He reiterated this was simply an extension of benefits to taxpayers that all taxpayers were eligible for and many of them were frontline workers as Council Member Coombs stated. He encouraged his colleagues to support the item so that they could send a strong message to Congress.

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

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

Daniel Brotzman, City Attorney, confirmed the item resulted in a tied vote twice and was, as a result, no longer viable.

- ◆ b. **R2020-35**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, condemning Hate Crime Acts and Anti-Asian sentiments against Asian Americans, Immigrants, and Refugees as related to the Covid-19 Pandemic. ***(This item also appears on the May 4, 2020 Study Session) (Due to this item being dual listed, the backup is included in item 3a of the Study Session Packet.)***
Presenters: Janice Napper, Diversity, Equity and Inclusion Officer/Angela Garcia, Assistant City Attorney II
Sponsor: Council Member Murillo

Motion by Murillo, second by Coombs, to approve item10b.

Stephen Ruger, City Clerk, read the public comment aloud.

Fran Campbell, Stephanie Nghiem, Aurora Police Department, Asian-Pacific Development Center and Aurora Mental Health board member, Gigi de Gala, Chair, Asian Pacific Development Center, and Harry Budisidharta, Executive Director, Asian Pacific Development Center, expressed appreciation to Council Member Murillo for bringing the item forward and spoke in support of the item.

Council Member Murillo expressed appreciation to all those who provided comments on the item. She stated the importance of standing in solidarity with the community especially when Council was hearing the community was being targeted with hateful rhetoric which had no place in Aurora. She discussed subtle micro-aggressive behaviors and pointed out this item would prevent those behaviors from escalating and turning into awful headlines. She encouraged her colleagues to support the item. She noted there have been ongoing discussions amongst Council regarding the effectiveness of resolutions and stated City Council should be unified in this regard because the message was a condemnation of hate crimes. She discussed her efforts in coordination with this resolution of triangulating efforts on the front and back ends to make reporting of these crimes as efficient as possible. She stated the Council was being asked to support the item by various Asian Pacific community and non-profit leaders and she welcomed the support of Council.

Council Member Gruber expressed appreciation to Suzanne Zang, Chinese American Association, for her efforts in gathering and supplying masks to homeless shelters and the Salvation Army and to John Park for identifying test equipment. He stated his wife was Asian and he did not believe harassment and intimidation or hate speech should happen anywhere in any community therefore he would support the item.

Council Member Bergan stated while she was not a fan of resolutions per say, she would support the item because it demonstrated solidarity and support for the Asian community. She noted the importance of standing against hate speech for anyone.

Council Member Berzins stated her support of the item and agreed no one should have to deal with hate crimes or be afraid to live in or to walk the streets in Aurora. She stated she too was not a fan of resolutions particularly with all of the 'whereas' and stated she did support Sections 1 – 3. She stated she wished it went farther and pertained to more subsets of discrimination. She expressed appreciation to Council Member Murillo and Mayor Pro Tem Johnston for their efforts in this regard.

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Council Member Murillo expressed appreciation to everyone for their comments. She reiterated this was a community ask and an effort for those voices to be heard. She agreed there were many other marginalized groups who were subject to hate crimes and inequity but this item focused on and supported those who were dealing with hateful rhetoric as a result of the COVID crisis. She deflected the focus from her efforts, noting she brought the item forward for people who were essentially speaking out and helping themselves.

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

- ◆ c. **R2020-36**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Purchase and Sale Agreement between the City of Aurora and the Trust for Public Land for the acquisition of two parcels of real property (Buckley Buffer Parcels 9 and 11)
Presenter: Hector Reynoso, Manager Real Property Services, Public Works
Other Participants: Christine McKenney, Client Group Manager

ITEM REMOVED FROM THE AGENDA

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2020-14**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, appropriating sums of money in addition to those appropriated in Ordinance Nos. 2018-56, 2019-17, and 2019-89 for the 2019 fiscal year.
Presenter: Greg Hays, Budget Officer/Kerstin Claspell, Lead Budget Analyst, Finance/Hans Hernandez Perez, Assistant City Attorney II

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

Council Member Coombs asked for a specific breakdown of \$323k in police overtime called out for the four-hour September protest.

Greg Hays, Budget Officer, agreed to provide that information to Council.

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

- ◆ b. **2020-15**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapters 6, 22 and 146 of the City Code related to the Regulation and Licensing of Businesses related to the manufacturing of hemp.
Presenters: Terri Velasquez, Director of Finance/Robin Peterson, Mgr of Marijuana Enforcement, Finance/ Tim Joyce Assistant City Attorney II

Motion by Berzins, second by Gruber, to introduce item 11b.

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

- ◆ c. **2020-16**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 94 of the City Code related to the unlawful sale, use and possession of hemp.

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Presenter: Terri Velasquez, Director of Finance/Robin Peterson, Mgr of Marijuana Enforcement, Finance/ Tim Joyce Assistant City Attorney II

Motion by Berzins, second by Gruber, to introduce item 11c.

Council Member Murillo raised the topic of the Council's request for a follow-up on how other municipalities tested for hemp. She noted it came about as a result of the conversation that revolved around it being similar to marijuana in terms of odor and the City was planning to regulate it and impose a similar law, and that was a point of contention for her because it did not have the same effect.

Council Member Marcano stated his hope more information related to Council Member Murillo's request could be provided. He discussed his concerns related to making yet another thing illegal and further perpetuating the stigma around marijuana use when the product in question had no secondary affect and only impacted those using it. He recalled the previous conversation revolved around what law enforcement would do when someone was drinking alcohol versus smoking marijuana at a public event by bringing a water bottle filled with clear alcohol to an event, which was not illegal and how one would know whether it contained water or alcohol.

Robin Peterson, Mgr of Marijuana Enforcement, Finance, arrived in the meeting.

Council Member Marcano referenced Council Member Murillo's question related to what other municipalities were doing with regards to using and regulating public use of hemp and reiterated his concerns related to making something illegal that was not harmful. He pointed out it was being treated like marijuana because it could be difficult for law enforcement to discern between the two and restated the scenario of law enforcement investigating clear alcohol in a water bottle at a public event. He stated water was allowed in public spaces and asked if hemp could be treated similarly. Ms. Peterson stated no other municipalities have addressed smoking hemp in public and discussed the City of Boulder's use of testing kits. She stated Aurora Police Department (APD) has stated their intent to purchase the test kits for their use, noting their plan was to compare the test kits to a lab test to determine their consistency and accuracy. Council Member Marcano asked if the item could be tabled until it was determined that the kits were trustworthy.

SUBSTITUTE MOTION

Motion by Marcano, second by Gruber, to table item 11c.

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

Voting Nay: Berzins, Gardner

12. **ORDINANCES FOR FINAL**

- ◆ a. **2020-11**
Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Section 130-160, 130-161 and 130-196 of the City Code related to the Special Taxes on the sale of retail marijuana and retail marijuana products. ***(Ordinance 2020-11, Introduced 5-4 (Berzins, Bergan, Gardner, Gruber voting no) at the April 20, 2020 Council Meeting)***
Presenter: Robin Peterson, Mgr of Marijuana Enforcement, Finance/Terri Velasquez, Director of Finance/Tim Joyce Assistant City Attorney II

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Motion by Gardner, second by Berzins, to approve item 12a.

Council Member Lawson expressed appreciation to all those who supported the item in the first reading and stated her hope that further support would be garnered in this instance.

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

Voting Nay: Bergan, Berzins, Gardner, Gruber

Daniel Brotzman, City Attorney, stated an ordinance required six votes to pass and under the Council rules, since one member was absent, the item would return to the next agenda to allow for a sixth vote and if one was not obtained then the item would die on the reading.

13. **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

Motion by Coombs, second by Johnston, to approve item 13a.

Jim Twombly, City Manager, expressed appreciation for the extension and discussed the new order which strongly encouraged businesses to have everyone wear a face covering.

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

- b. Murphy Creek East Planning Approval Call-Up – ***(Tied 5-5 (Coffman, Berzins, Bergan, Gardner, Gruber voting no) at the April 20, 2020 Regular Council Meeting)****

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Motion by Johnston, second by Marcano, to approve item 13b.

Stephen Ruger, City Clerk, read the public comment aloud.

Margaret Rash, Vice-President, Murphy Creek Metro District 3 and Murphy Creek Master HOA, Bonnie Rader, Chair, Lowry Landfill Super Fund Site Citizens Advisory Group (LLSF Site CAG), Thomas Kraus, MD, Co-Chair, LLSF Site CAG, and Margie Sobey, President, Murphy Creek Golf Course Neighbors, spoke in support of the item.

Mayor Pro Tem Johnston stated that while she agreed with her constituents' concerns, she reiterated the purpose of bringing the item back up was, due to the extreme interest of the neighbors in the Murphy Creek area, to hear those details at a public hearing.

Council Member Bergan pointed out there was a lot of public discussion on the developer in general when the original application was administratively approved by staff because it met all codes and zoning requirements. She stated in order for developers to have predictability with the City moving forward, they needed to know they would not be held up if they followed the rules. She stated she would not support the call-up.

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Council Member Gruber referenced the Brownstein letter found in the Council backup and asked the City Clerk to read it into the record.

Mayor Pro Tem Johnston pointed out it was unusual for backup material to be read at the meeting. She noted the speakers who commented on the item were not privy to that information and asked staff to speak to the appropriateness of doing so.

Daniel Brotzman, City Attorney, did so, noting reading backup documents into the record was not done traditionally but it could be done at a council member's request.

Mr. Ruger read the Brownstein letter into the record per Council Member Gruber's request.

Mr. Brotzman stated Dan Money, Senior Planning Attorney, City of Aurora, met with both the developer and the landowner's attorney and had prepared a presentation for Council in response to the letter.

Mr. Money provided a presentation addressing City Council Rules of Order and Procedure as it related to the Brownstein letter which confirmed that due to the tie vote at the prior regular City Council meeting, the City Council acted appropriately in setting the motion to call-up the development decision.

Council Member Bergan asked Mr. Money if he was stating the City's Unified Development Ordinance (UDO) was incorrect. Mr. Money answered no. He stated the UDO was meant to be consistent with Council rules. Council Member Bergan asked if the UDO stated a call-up must happen within a certain timeframe and that timeframe had expired. Mr. Money answered no, noting that was called out in the previous code. He clarified it was planned for a 28-day timeframe to be put back into the UDO as an amendment but confirmed it was absent in the current UDO. Council Member Bergan stated she did not realize that was no longer in the UDO. She pointed out the bottom line was the timeframe was necessary in order to not hold someone up when they have met the administrative approval requirements.

Mr. Money concurred. He stated the question was whether or not the Council rules carried the weight of the charter and he believed it did.

Council Member Gruber asked if the developer agreed not to take the City to court. Mr. Money answered no. He pointed out anyone could take the City to court but whether they would win or had merit were other issues. He further discussed how and on what grounds they might do so and reiterated the question of whether or not the Council could rely on the rules of procedure and he believed they could.

Mayor Pro Tem Johnston highlighted the importance of the City Attorney's Office and expressed appreciation to them for their clarification and efforts in this regard.

Council Member Berzins pointed out another letter was sent to Council recently from another attorney. She stated using Council rules created a big instability to builders and builders were needed based on the recent discussion regarding the current housing needs for all income levels in Aurora. She stated the ability for the Rules Committee to continually change the rules would deter builders from coming to Aurora to put in the time and money to build. She stated doing so made her nervous because she did not think it was a stable way to do housing business in Aurora.

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Council Member Gruber stated there were five things that drove the cost of building; land, labor, lumber, law and location and the sixth variable was time and these multiple approvals by the City cost time. He noted the assertion by the speakers were that the City Planning Department did a poor job in this regard. He did not agree and asked the City Manager to discuss the Planning Department's evaluation and approval process.

Jim Twombly, City Manager, did so, noting the City had a professional planning department who worked on the UDO for many years and who knew their responsibilities well. He stated his belief that they checked all the boxes when reviewing this application.

Council Member Gruber asked Mr. Twombly if he had confidence that the application should have been approved. Mr. Twombly stated the Planning Director signed off on the application with an administrative approval and he had confidence and faith the director did his job.

Council Member Marcano stated he did not read the comments as disparaging City staff but rather viewed them as City residents requesting a public hearing on the item. He stated it was incumbent on the Ward council member to call it up as a representative of her constituency and he did not see how a public meeting would be detrimental to the project. He pointed out a part of the City Council's job was to represent their constituency and not just business and builders. He stated he would support the item because it was important to recognize the Council's responsibility to their constituency and expressed appreciation to Mayor Pro Tem Johnston for calling it up.

Mayor Pro Tem Johnston stated it was just as important, if not more so, for the City Council to listen to their constituents as it was to hear the business side. She pointed out the constituents were the ones who voted and the ones who expected representation. She reiterated these residents have been requesting a public hearing since November and because they did not get one, it was her obligation to ask for one on their behalf.

Council Member Gruber stated this was not neighbors but rather was a metro district that was located across the street and down the road from the neighbors. He stated those who opposed the development had been fighting against it for over a year and a half. He stated it was not a property rights issue but rather a 'not in my backyard' issue.

Mayor Pro Tem Johnston stated the project name was Murphy Creek East and City Council heard from Murphy Creek residents who did not have an objection to another administrative approval on an adjacent project therefore it was not a 'not in my backyard' situation.

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

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

Mr. Brotzman stated the item failed because of the second tied vote.

14. **GENERAL BUSINESS**

None

15. **REPORTS**

a. Report by the Mayor

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Mayor Coffman stated this was a very difficult time especially for small businesses and encouraged everyone to take the "Mayor's Challenge" and order take-out or delivery at least once a week in support of local restaurants.

b. Reports by Council

Council Member Coombs raised the topic of a recent event where people who were peacefully exercising their First Amendment rights were attacked, assaulted and threatened. She stated the importance of the understanding that peaceful protest was protected under First Amendment rights, that people could demonstrate within the hours allowed by the City's Residential Picketing Ordinance and how recently that was met with violence. She pointed out the hypocrisy and dangerousness of that happening in the City should be considered when the police did nothing to stop it particularly when the City spent \$323k to ensure safety at a protest last year. She wondered how much money was spent this year when the City was not able to ensure the safety and protection of personal property of those peacefully demonstrating in the City.

Council Member Murillo announced the next Ward I Town Hall meeting scheduled for Thursday, May 21, 2020 from 6:00 p.m. to 7:30 p.m. would be held virtually in order to recognize social distancing. She raised the topic of Pastor Thomas' passing and sent condolences to his family and loved ones and expressed her hope that his legacy of fighting for affordable housing projects in Ward I would be honored once the recovery began.

Council Member Marcano announced the next Ward IV Town Hall meeting was scheduled for Thursday, May 21, 2020 and out of an abundance of caution, would take place on WebEx where he hoped to have a presentation on public banking. He echoed Council Member Coombs' comments regarding those expressing their First Amendment rights. He stated the demonstrators should be secure on their personal property. He stated it must be ensured that those who were responsible for that protection who did not step up were reprimanded in order to preserve free speech in the City.

Council Member Bergan addressed the comments made about the recent Tollgate Crossing neighborhood protest, noting Tollgate Crossing was located in Ward VI. She stated this was the second time the protest targeted a particular individual who lived in the neighborhood. She pointed out it was considered targeting when notices were posted on social media that one particular individual would be harassed and confronted in their neighborhood. She confirmed she received emails and messages that people were upset that this would happen again in their neighborhood. She pointed out the demonstrators were not walking this time but it was rather a car rally of approximately 100 people driving through the neighborhood honking their horns and yelling obscenities at people which was a frightening thing to happen in a neighborhood. She addressed Council Member Coombs' comments related to property damage and pointed out those were allegations and in America, people were innocent until proven guilty. She stated she did not condone any of that behavior or any violence but until a police report was filed and the police could investigate those charges, the truth was uncertain. She referenced the previously approved resolution related to hate crimes against people and she stated it was terrible for a group to be so hateful that they would come into a neighborhood and intimidate people whose actions they did not like. She agreed everyone had the right to protest as their First Amendment right but noted it was troubling that there were those who would express their concerns through intimidation because that was not productive. She stated her wish that they would find another less harmful way of doing so. She announced the Ward VI Town Hall meeting was scheduled for Wednesday, May 13, 2020 from 6:00 p.m. to 8:00 p.m. on WebEx.

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Council Member Gardner discussed the procession for former Aurora Fire Medic, Paul Cary, noting there were approximately 165 vehicles in the procession which was beautiful and neat to see people along the route paying their respect for all Mr. Cary had done for the community. He expressed appreciation for all of the agencies across Colorado that showed up in support and to those dignitaries, including Mayor Coffman, who spoke at the ceremony. He announced it was National Firefighters Day and expressed appreciation for all that first responders did, but he especially acknowledged firefighters for the job they did serving on the frontline of the City.

Council Member Gruber echoed Council Member Gardner's comments regarding the amazing show of love from all of the local jurisdictions that showed up in their fire trucks and ambulances. He stated conversely the protest Council Member Coombs and Bergan discussed was a parade of hate. He referenced the recently approved resolution that supported the Asian community, noting he could not imagine if that parade of hate had occurred in any of the immigrant communities and yet there were those on council who were directly associated with the Denver Communists, Abolish ICE and the Colorado People's Alliance. He denounced it and expressed his hope that others would as well. He announced the appointment of Chance Horiuchi to the Business Advisory Board and raised the topic of government programs and how best to use the federal money going forward. He pointed out it was the businesses that would keep the economy moving and lead the City out of the funding crisis.

Council Member Berzins expressed appreciation to Mayor Coffman and Council Member Gardner for representing the Aurora City Council at the service of Paul Carey. She expressed her condolences to Mr. Cary's family, noting he was a gentle, nice person and he died a hero doing what he loved. She stated the procession was absolutely amazing and was filled with love for Mr. Cary and first responders. She noted it made her proud to be a citizen of Aurora and she expressed appreciation to all first responders and firefighters for all they were doing. She also thanked Stephen Ruger, City Clerk, for his persistence in getting Council through difficult times in their meetings when dealing with technical problems. She stated he did a great job and she really appreciated his knowledge and support. She announced the Aurora Hills Golf Course was opening at 8:00 a.m. on Wednesday, May 6, 2020 but the Tin Cup restaurant would remain closed. She stated it would not be open for the Ward III morning meeting in May but recommended everyone stay posted as things changed rapidly.

Mr. Ruger announced Council Member Bergan's appointment of Dustin Zvonek to the Citizens Advisory Budget Committee.

Council Member Bergan thanked Mr. Ruger for making the announcement.

Council Member Murillo announced the reappointment of her Business Advisory Board member and noted it was Teacher Appreciation Week.

16. **PUBLIC INVITED TO BE HEARD**

None

17. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 9:59 p.m.

- ◆ *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.*



MIKE COFFMAN, MAYOR

ATTEST:

