

Approved

MINUTES

Regular Meeting – Aurora City Council Monday, August 17, 2020

1. **CONVENE REGULAR MEETING OF AUGUST 17, 2020 AND CALL TO ORDER**

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

2. **ROLL CALL** Susan Barkman, Interim City Clerk

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

3. **INVOCATION** Mike Coffman, Mayor, City of Aurora

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF AUGUST 3, 2020**

Motion by Bergan, second by Johnston, to approve the minutes of the meeting of August 3, 2020, as presented.

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

6. **CEREMONY**

- a. Swearing in of Vanessa Wilson as newly appointed as City of Aurora Police Chief-
Presiding Judge Shawn Day

Presiding Judge Shawn Day administered the oath of office to Vanessa Wilson as newly appointed City of Aurora Police Chief. City Council congratulated Chief Wilson and thanked her for her service to Aurora.

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

Mayor Coffman stated those who wished to speak either on agenda or non-agenda items have called in at (855)695-3355 *3 to be placed in the cue. He stated staff would introduce the speaker and they would have three minutes to speak.

Council Member Coombs pointed out there was a problem with the phone line being disconnected and asked staff to address that concern.

- a. Public Invited to be Heard 8 17 2020
- b. Public Invited to the Heard on the 2021 Budget
Presenter: Greg Hays, Budget Officer, Finance/ Hans Hernandez Perez, Assistant City Attorney II Civil

Susan Barkman, City Clerk, played voicemail public comments submitted to publiccomment@auroragov.org into the record up to the first three minutes.

8. **ADOPTION OF THE AGENDA**

Motion by Lawson, second by Gardner, to adopt the agenda as amended to remove item 10a to allow for further review.

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Council Member Lawson stated her purpose behind removing the item for further review was due to the fact that misinformation was being shared about the item and she felt it was important to clear the information up. She pointed out this was an important policy that was being changed and it deserved more insight and accurate information. She noted further information was requested of staff and she did not see it in the backup material.

Council Member Gardner stated his disappointment that once again items were being delayed due to misinformation being put out particularly on the heels of the previous discussion related to council members putting out incorrect information. He noted the importance of correct information being shared so that things could be discussed on their merit.

Mayor Pro Tem Johnston expressed appreciation to Council Members Lawson and Gardner for the motion and stated her disappointment over the situation. She stated she received warnings, which she considered threats, that she should pull the item because she was the originator. She stated that was incorrect and noted it was a staff recommended item. She stated she felt she should not react to being targeted with wrong information. She stated she was always open to more information and she looked forward to having the misinformation cleared up and she expressed her hope that Council and their allies could talk about and debate the facts of the item.

Council Member Hiltz stated she too had people reaching out to her with questions and concerns on inaccuracies with the item therefore, she supported sending the item back to ensure the correct information was provided so Council would understand and know what they were voting on.

Council Member Marcano asked for clarification on the false information. Mayor Pro Tem Johnston stated there was a Facebook post by someone that Council knew that stated she originated and sponsored the resolution. Council Member Marcano asked staff if the agenda commentary sheet could be modified to more clearly specify the difference between a staff origination and an item sponsor. He noted something similar happened with the housing occupancy issue and he felt it would be beneficial to make that distinction clear.

Council Member Bergan stated her support in delaying the item due to the level of misinformation around it. She stated her confusion regarding the Council's public comments rules at this point.

Council Member Coombs stated she heard from a lot of people about the issue and none of them raised the topic of Mayor Pro Tem Johnston. She noted their comments related to limiting the public comment to thirty minutes before and one hour after the meeting and having a cut-off time for a special meeting.

Council Member Berzins addressed Mayor Pro Tem Johnston and stated she too saw the post and subsequent responses and noted she has also been threatened over the years to change her vote or things she was sponsoring therefore she understood Mayor Pro Tem Johnston's feelings. She pointed out it was not something Council should have to be dealing with now.

Council Member Murillo stated her support for moving the item in order to gain clarification and information. She expressed concerns related to the power of council members' language that weaponized words of threat in this situation as compared to other situations. She stated Council was aware they had a layer of care as council members to protect other

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council members and throwing out that word in conversations was concerning. She reminded Council to wield that privilege lightly and carefully because that was a point of power they had as council members.

Mayor Pro Tem Johnston clarified she was warned four different times that if she did not pull the item then people would go directly after her and she felt that because it was repeated, it was a consequence to her saying at that time that she would not pull it.

Council Member Murillo stated one could assume what language was used and again, cautioned Council about using that word because they had a level of privilege and power as council members. She pointed out she was not on Facebook frequently and while she perused some comments, she did not see any direct threats towards Mayor Pro Tem Johnston. She stated to be clear, she would never condone that.

Council Member Gardner referenced a previous comment that no one has tied the item to Mayor Pro Tem Johnston and he read a Facebook post stating otherwise. He confirmed the post was false and that the item did not originate with Mayor Pro Tem Johnston. He reiterated his disappointment that this continued to be the modus operandi (MO) of the Council.

Council Member Bergan asked for clarification regarding the use of the word 'threat.' She questioned if it was not allowed to be used when someone was saying someone's name and that they would come after that person. She stated that sounded like a threat to her.

Council Member Murillo stated as rational people, they could make distinctions about what the word 'threat' meant. She stated that was not the focus of the conversation but noted it was worth calling out and talking about. She stated she was not calling out a particular council member but reiterated Council held that privilege and power and they should be careful about how they used it because a threat of harm and a threat of recall were very different. She noted she too has received threats and she was concerned about shaping a narrative using that word in this very public forum. She stated council members could perceive whatever they wanted and they could use whatever language they wanted just as the public could but she felt there was a distinction there.

Council Member Gardner stated he has heard frequently from the Council that Council should not appropriate their thoughts on other people and yet the argument was now that a council member should not have felt threatened. He stated it was up to that council member to determine if they felt threatened or not and it was not for the rest of Council to judge. He stated his disappointment that Council was arguing about it because that person felt that way and Council should honor their feelings.

Council Member Gruber pointed out the discussion was around someone feeling threatened whether it was a physical or political threat. He stated it was important because the actual Facebook text from the Chair of the Democratic Party in Arapahoe County was read aloud, noting it was obviously a political threat and he found it concerning that it came about because Mayor Pro Tem Johnston did not follow the Chair's wishes.

Council Member Murillo pointed out Council was talking in circles because they were talking about not calling out and generalizing things and then they were referring to specific people's posts. She reiterated council members had the power and privilege to have another layer of consideration by the Aurora Police Department. She stated that was known by Council and she was concerned about the use of the word 'threat' in this context when

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specifically talking about a particular person and leaving it ambiguous. She agreed any person could say what they wanted and could frame anything any way they wanted. She did not agree that a Facebook post in this context was a threat but noted her call and request was to caution Council to be careful about the way in which they framed conversations because they held power and privilege to shape narratives. She stated it was concerning how the Aurora Police Department perceived the word 'threat' against a council member and how that would be interpreted after the conversation because now they were discussing one particular person. She stated a lot of comments were being redirected back to a member of the public in a contained conversation. She stated no clarification on the intent was provided and those details mattered. She urged council members to use their discretion on how they used that word.

Mayor Pro Tem Johnston clarified it was not a physical threat and at no time did she feel any physical threat or harm. She stated she was told by a council member that people would go after her if she did not pull the item. She stated she might be using the term 'threat' too strongly but she saw it in terms of cause and effect.

Council Member Coombs asked if staff had any information on the number of people waiting in the cue to discuss the item. Mayor Coffman stated there were 14 and he would make an announcement after the vote that those in the cue would still have the opportunity to be heard.

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

Voting No: Coombs

Mayor Coffman noted 14 individuals were in the cue to speak to the item and noted the Council removed the item. He stated those individuals were welcome to participate when and if the item returned to a formal Council agenda or they could remain on the line for Public Invited to Be Heard to be heard at the end of the agenda.

9. CONSENT CALENDAR

General Business

- a. Consideration to AWARD WORK PACKAGE NO. 5 of the Fitzsimons Peoria Stormwater Outfall, Project No. R-5623A, to BT Construction, Inc., Henderson, Colorado in the amount of \$7,968,717.56. 5623A
Presenter: Swirvine Nyirenda, Principal Engineer - Aurora Water/David Lathers, Senior Asst City Attorney
- b. Consideration to AWARD A SOLE SOURCE CONTRACT to Accela Inc., San Ramon, California in the total amount of \$601,271.00 to provide annual maintenance and support and additional licenses for the Workflow Process Software System through September 29, 2021.
Presenter: Scott M Newman, Interim Chief of I.T. - Information Technology/David Lathers, Senior Asst City Attorney
- c. Consideration to AWARD A SINGLE SOURCE CONTRACT to Kubat Equipment and Service, Denver, Colorado in the amount of \$153,994.50 to upgrade/replace existing fuel management software with Syn-Tech Systems FuelMaster® software at Central Facilities, North Satellite, and South Satellite fueling locations.
Presenter: Ron Forrest, Fleet Manager - Public Works/David Lathers, Senior Asst City Attorney

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- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to McCandless Truck Center, Aurora, Colorado in the not-to-exceed amount of \$220,000.00 for the purchase of International original equipment manufacturer (OEM) repair parts as required through July 31, 2021.
Presenter: Ron Forrest, Fleet Manager - Public Works/David Lathers, Senior Asst City Attorney
- ◆ e. **R2020-79** Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado to approve an Intergovernmental Agreement with Adams County /for the 2020 Coordinated Election. ***(This item also appears on the August 17 Study Session) (Due to this item being dual listed, the backup is included in item 2k of the Study Session Packet.) (Staff requests a waiver of reconsideration)***
Presenter: Susan Barkman, Interim City Clerk/David Lathers, Senior Asst City Attorney
- ◆ f. **R2020-80** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement with Arapahoe County for the 2020 combined Election. ***(This item also appears on the August 17 Study Session) (Due to this item being dual listed, the backup is included in item 2l of the Study Session Packet.) (Staff requests a waiver of reconsideration)***
Presenter: Susan Barkman, Interim City Clerk/David Lathers, Senior Asst City Attorney
- ◆ g. **R2020-81** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado approving an Intergovernmental Agreement with Douglas County concerning the 2020 coordinated Election. ***(This item also appears on the August 17 Study Session) (Due to this item being dual listed, the backup is included in item 2m of the Study Session Packet.) (Staff requests a waiver of reconsideration)***
Presenter: Susan Barkman, Interim City Clerk/David Lathers, Senior Asst City Attorney

Motion by Berzins, second by Bergan, to approve items 9a – 9g with a waivers of reconsideration on items 9e, 9f and 9g.

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

Final Ordinances

- ◆ h. **2020-26** Consideration of AN ORDINANCE FOR ADOPTION for the City Council of the City of Aurora, Colorado, approving the Service Plan for the King Ranch Metropolitan District Nos 1-5 and authorizing the execution of an Intergovernmental Agreement between the City and the District.
Presenter: Vinessa Irvin, Manager of Development Assist, General Management/Brian Rulla, Assistant City Attorney I Civil
- ◆ i. **2020-27** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado Adopting Section 2-234(a) of the City Code Pertaining to Prohibiting the Use of Chokeholds and Carotid Holds by Law Enforcement
Presenter: Jason Batchelor, Deputy City Manager, General Management/Nancy Rodgers, Deputy City Attorney

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- ◆ j. **2020-29** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Section 2-851 of the City Code pertaining to the Creation and Composition of the Veteran's Affairs Commission.
Presenter: Claudine McDonald, Community Relations, General Management/David Lathers, Senior Asst City Attorney
- ◆ k. **2020-31** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, zoning 7.97 acres of land, more or less, generally located at the Southwest Corner of Picadilly Road and Stephen D. Hogan Parkway, within the County of Arapahoe, State of Colorado, to Mixed-Use Corridor District and amending the zoning map accordingly (COLORADO CHRISTIAN FELLOWSHIP VILLAGE INITIAL ZONING)
Presenter: Brandon Cammarata, Senior Planner, Planning & Development Service/Daniel Money, Senior Asst City Attorney

Motion by Gruber, second by Bergan, to approve items 9h – 9k.

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

10. RESOLUTIONS

- ◆ a. **R2020-71** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to modify the rules of order and procedure for the Aurora, Colorado, City Council regarding public comment.
Presenter: Roberto Venegas, Deputy City Manager, General Management/Nancy Rogers, Deputy City Attorney

ITEM 10a REMOVED FROM THE AGENDA

- ◆ b. **R2020-73** Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado, to approve the fabrication and installation of the artwork design submitted by Project 1 Studio for the Southeast Recreation Center
Presenter: Roberta Bloom, Program Supervisor - Library & Cultural Services/Tim Joyce, Assistant City Attorney II Civil

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

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

- ◆ c. **R2020-74** Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado, approving the First Amendment to the Colorado Freedom Memorial Concessionaire Agreement to include the Gold Star Families Memorial Monument
Presenter: Tracy Young, Manager Of PROS Plan, Desn, Cons - Parks, Recreation & Open Space/Angela Garcia, Assistant City Attorney II Civil

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

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

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- ◆ d. **R2020-75** Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado, to Approve Designating the Smith-Cox House Located at 1557 N. Dallas Street, Aurora, Colorado, as a Local Historic Landmark.
Presenter: Drake Brownfield, Museum Specialist II - Library & Cultural Services/
Tim Joyce, Assistant City Attorney II Civil

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

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

- ◆ e. **R2020-76** Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado, expressing the Aurora City Council's support for creating a Veterans Treatment Court within the Aurora Municipal Court.
Presenter: Shawn Day, Presiding Judge/Julie Heckman, Deputy City Attorney

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

Council Member Gruber discussed the item and its importance. He stated it gave veterans alternatives other than going to jail. He stated he was proud to be bringing the item forward and of the court system for leading the charge in this regard.

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

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

- ◆ f. **R2020-77** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Amendment to Intergovernmental Agreement No. 09-11.06K regarding the First Creek Detention Upstream of I-70 Project between the City of Aurora, acting by and through its Utility Enterprise and the Urban Drainage and Flood Control District D/B/A Mile High Flood Control.
Presenter: Sarah Young, Deputy Director Wtr Plan/Engin - Aurora Water/Christine McKenney, Client Group Manager

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

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

- ◆ g. **R2020-82** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, submitting to a vote of the registered electors of the City at the Statewide General Election of November 3, 2020, a ballot question repealing section 14-75 of the City Code pertaining to the unlawful keeping of restricted breed dogs.
Presenter: Nancy Sheffield, Interim Director, Housing and Community Services /Anthony Youngblood, Manager of Animal Services, Housing and Community Services/ Tim Joyce, Assistant City Attorney II Civil

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

Council Member Bergan expressed appreciation to everyone who provided comments on the item, noting those in favor and those opposed were about 50/50. She stated her belief that the item should go back on the ballot for the voters to decide because public opinion on the issue has changed since 2014 and it was probably more favorable to the appeal. She stated

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it was not right or transparent for Council to overturn the vote of the people because doing so inferred to them that their votes did not count or matter. She stated if that was what Council was going to do then photo red light should be brought back because the voters voted against that. She stated those who voted previously and new residents should be given the opportunity to vote on the item.

Susan Barkman, City Clerk, played a voicemail public comment in opposition to the item into the record up to the first three minutes.

Council Member Gruber agreed there was a lot of debate on both sides of the item and both sides could claim that science was on their side. He noted the most important point was that 64 percent of Aurorans voted against having these three breeds in Aurora. He stated not allowing voters to speak again would be ignoring their initial vote and would not respect the will of the voters in this regard. He noted the initial vote was done six years ago and he stated his support of going back and asking the voters.

Mayor Coffman concurred and noted it should be more fairly worded than the previous question. He noted the pit bulls already in the City were grandfathered in under 14 different conditions and he felt that should also be put in a ballot initiative so that voters could see and consider that as well.

Council Member Gardner stated his opposition to the item, noting the ballots would be mailed out in less than 60 days and there was not enough time for those opposed or in favor of the item to make their cases to voters. He noted Council should have been discussing the item months ago. He noted additionally, the cost to put a question on the ballot when it was not a municipal election year was not prudent.

AMENDMENT I

Motion by Bergan, second by Berzins, to put the item on the November 2021 ballot so that it would not cost additional taxpayer money and would still allow the people's voices to be heard and not disregard their previous vote.

Council Member Berzins stated putting it on the 2021 ballot provided time to allow the question to be worded correctly and for Council to thoroughly discuss the item with their constituents. She agreed not going back to the voters with the item would tell them that their vote did not matter. She pointed out doing so would be like Council making an ordinance prohibiting marijuana in the City because it was federally illegal and doing so, would set a horrible precedent that the Council no longer valued the people's vote.

Council Member Gardner asked if the ballot language would remain the same with the amendment but it would be run in the 2021 election. Mayor Coffman answered affirmatively. He clarified Council would have the opportunity to bring the item up to work on the language. Council Member Gardner stated if that were so then he would not support the amendment because he would not want to put anything on the ballot without having seen the language. He believed the City needed a comprehensive dog ordinance and he did not feel comfortable not knowing what that language was.

Mayor Coffman noted the language would be known because Council would have the opportunity to vote on the item again.

Council Member Gardner stated he did not support the current language.

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Council Member Coombs stated Council should be looking at 2021 ballot questions after the 2020 election and not now.

Council Member Bergan pointed out the questions were whether the City Council wished to retain the ordinance, to repeal the ordinance or repeal it by ballot. She noted the amendment was putting it on the 2021 ballot which was the third option. She asked Council Member Gardner what kind of language he wanted to bring to the voters. Council Member Gardner reiterated he would like to see a more comprehensive dangerous dog ordinance. He stated his opinion that he would like to see the item repealed because he was not a fan of the government being involved in what type of dog people could own. He stated it was an owner issue rather than a dog issue and he felt the City spent too much money on it already. He stated he was not comfortable putting the item on the ballot to repeal when there was not something to replace it.

Council Member Bergan stated her understanding that Council Member Gardner would rather the item be handled with an ordinance rather than by a vote of the people. She asked if not, was he stating he would be in favor of the item going to a vote but with different language. Council Member Gardner stated he would be open to either depending upon what was in place but he would not be in favor of it going to a vote of the people without something else in place.

VOTE ON AMENDMENT I

Voting Aye: Mayor Coffman, Bergan, Berzins, Gruber

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

Council Member Berzins asked if the City had to do the DNA tests or could the owner have them done at their veterinary office and have the results sent to the City.

Anthony Youngblood, Manager of Animal Services, Housing and Community Services, stated the owners could have their veterinarian's office conduct the test and provide the results to the City. He pointed out however the City's test were done quicker and at a lower cost.

VOTE ON ORIGINAL MOTION

Voting Aye: Bergan, Berzins, Gruber

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

11. ORDINANCES FOR INTRODUCTION

- ◆ a. Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, repealing Section 14-75 of the City Code pertaining to the unlawful keeping of pit bulls.
Presenter: Nancy Sheffield, Interim Director, Housing and Community Services /Anthony Youngblood, Manager of Animal Services, Housing and Community Services/ Tim Joyce, Assistant City Attorney II Civil

Motion by Marcano, second by Murillo, to introduce item 11a.

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Susan Barkman, City Clerk, played a voicemail public comment in opposition to the item into the record up to the first three minutes.

AMENDMENT I

Motion by Johnston, second by Coombs, to table item 11a.

Mayor Coffman asked staff if it was a non-debatable motion.

Daniel Brotzman, City Attorney, answered no.

Mayor Pro Tem Johnston stated she made the amendment to table the item because the City did not currently have a comprehensive dangerous dog ordinance in place and she did not feel comfortable repealing the item without having a more robust ordinance in place.

VOTE ON AMENDMENT I

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

12. PUBLIC HEARING WITH RELATED ORDINANCE

- ◆ a. **2020-30** Public Hearing and Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending the Service Plans for the Colorado International Center Metropolitan District Nos. 6-9 and amending the Intergovernmental Agreements for the Colorado International Center Metropolitan District Nos. 6-11
Presenter: Vinessa Irvin, Manager of Development Assist, General Management/Brian Rulla, Assistant City Attorney I Civil

Mayor Coffman opened the public hearing on the item and requested a presentation by staff.

Vinessa Irvin, Manager of Development Assist, General Management, did so.

Mayor Coffman closed the public hearing on the item.

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

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

- ◆ b. **2020-32** Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning 3 acres more or less in the vicinity of I-225 to the East, E. 17th Place to the North, and Colfax Avenue to the South, from residential low-density single family district (R-1) and business/tech district (I-1) to mixed-use transit-oriented development district (MUTOD) and amending the zoning map accordingly (FITZSIMONS VA LIGHTRAIL DEVELOPMENT ZONING MAP AMENDMENT)
Presenter: Stephen E Rodriguez, Planning Supervisor - Planning & Development Service/Daniel Money, Senior Asst City Attorney

Mayor Coffman opened the public hearing on the item and requested a presentation by staff.

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Stephen E Rodriguez, Planning Supervisor - Planning & Development Service, did so.

Mayor Coffman closed the public hearing on the item.

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

Council Member Murillo stated the item was located in Ward I. She noted while the Denver Meadows parcel has received a lot of attention from Council and was not a part of this item, it raised similar concerns in her opinion. She stated the current development approval process did not align with the community or equity and that was unfortunate. She discussed her meeting with the owner's representative where they discussed future commitments on the property and their willingness to put those commitments into writing. She stated that was not available at this time but the developer has stated those commitments would be available in writing prior to the call-up expiration date. She stated her belief that would be done. She discussed those commitments that related to affordable housing, mixed income and the creation of a land trust. She stated her preference that the City pursue and the developer support a more community-oriented process in this regard. She stated she would support the item because of the conversations and the developer's agreement to put those commitments in writing. She pointed out the item could be called-up if that was not realized and noted she looked forward to working with the developer moving forward in a timely manner.

Council Member Coombs asked the developer's representative to speak to the vision moving forward of mixed income and equitable development.

Michael Sheldon, representing the applicant, did so, noting the issues would be addressed in writing at the time of site plan approval.

Council Member Berzins asked staff if it was legal for council members to require commitments and promises in writing from developers to earn a vote.

Daniel Money, Senior Assistant City Attorney, stated because it was a public hearing where Council was acting as a quasi-judicial body, technically Council was not supposed to have outside conversations prior to the decision-making process before the record was heard because there was a fairness issue that disallowed the other side the awareness of the conversations. He noted making a statement about those conversations on the record as was done in this instance provided the ability for fairness should there be another side who wanted to address those conversations.

Council Member Murillo stated it was incumbent upon Council to be transparent about conversations and she noted she has done so. She referenced Mr. Sheldon's comments that these commitments were made publicly in other forums therefore this was not a backdoor deal but was instead a mutual understanding and clarification of commitments and process on his end. She agreed however that it was always good to clarify the process.

Council Member Gruber stated his confusion over the process because Council was tasked to sit as judges to ensure the City processes were followed appropriately and then adjudicate as a judge whether or not this was proper zoning as a TOD development area as opposed to negotiating. He stated his understanding that negotiating occurred during the site plan review and asked staff if his understanding was correct. Mr. Money answered affirmatively, noting however they did so as a quasi-judicial body. He pointed out council members could still vote if they could remain impartial to what they heard at a hearing. Council Member

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Gruber stated this was a legal decision and he did not think it was appropriate to have a quid pro quo applied to state the applicant would follow the law and also make a deal at this stage.

Council Member Murillo noted it was interesting how the Council applied language in these conversations. She reiterated she clarified the conversations she had publicly on the record and she felt she has met the requirements to vote accurately and impartially in this instance.

Council Member Marcano stated in light of full transparency, he too met with Mr. Sheldon where they discussed Council Member Marcano's philosophy toward developments. He thought perhaps part of the reason this instance might seem strange was because Council was not accustomed to its members advocating in this capacity. He suggested there might be a legal gray area but he felt it was part of Council's job to push that envelope on behalf of their constituency and in order to serve the working class. He expressed appreciation to Mr. Sheldon for being forthright and inviting Council into these conversations.

Council Member Coombs stated she too has had conversations at length with Mr. Sheldon about her philosophy towards development and she did not feel those conversations constituted a quid pro quo or compromised her vote.

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

- ◆ c. **2020-33** Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, to amend the Saddle Rock East General Development Plan to allow indoor recreation as a permitted use within the plan (Achieve Sports Center Saddle Rock East GDP Amendment)
Presenter: Liz Fuselier, Planner - Planning & Development Service/Daniel Money, Senior Asst City Attorney

Mayor Coffman opened the public hearing on the item and requested a presentation by staff.

Liz Fuselier, Planner, Planning & Development Service, did so.

Mayor Coffman closed the public hearing on the item.

Motion by Bergan, second by Gruber, to approve item 12c.

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

Absent: Hiltz

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. **R2020-78** Public Hearing and Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Second Amendment to the Modified Service Plan for the Colorado International Center Metropolitan District No. 11.
Presenter: Vinessa Irvin, Manager of Development Assist, General Management/Brian Rulla, Assistant City Attorney I Civil

Mayor Coffman opened the public hearing on the item and requested a presentation by staff.

- ◆ *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.*

Vinessa Irvin, Manager of Development Assist, General Management, did so.

Mayor Coffman closed the public hearing on the item.

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

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

Absent: Hiltz

14. **RECONSIDERATIONS AND CALL-UPS**

- a. RECONSIDERATION OF RESOLUTION R2020-22 – Concerning the Continuation of the City Manager’s Disaster 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 Marcano, second by Coombs, to approve item 14a.

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

Absent: Hiltz

- b. RECONSIDERATION OF RESOLUTION R2020-24 - to Suspend Certain Council Rules.

Staff Source: Isabelle Evans, Assistant City Attorney II

Motion by Berzins, second by Marcano, to reconsider item 14b.

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

Absent: Hiltz

15. **GENERAL BUSINESS**

None

16. **REPORTS**

- a. Report by the Mayor

Mayor Coffman stated a lot of families were hurting in the City because of the economic consequences of COVID-19 and noted the City was working with the inter-faith community through the Aurora Community Relations Division, to provide a food distribution program. He stated they would be at the Town Center of Aurora on Wednesday, August 19, 2020 starting at 10:00 a.m. until the food ran out. He noted Aurora had a rental assistance program for those individuals who were out of work due to COVID and who were behind on their rent. He stated those requiring more information should visit auroragov.org.

- b. Reports by Council

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Mayor Pro Tem Johnston wished all teachers, parents, and kids in the Cherry Creek and Aurora Public school districts good luck as they began classes. She stated her appreciation for the camera accommodations earlier during the meeting so she could help her own three anxious APS students. She announced the Ward II Town Hall meeting was scheduled for Thursday, August 20, 2020 at 6:30 p.m. on WebEx, where an update on Oil & Gas regulations would be provided.

Council Member Bergan congratulated the Fire & Rescue graduates on their recent graduation and welcomed them aboard to Aurora. She stated her son graduated from college in May and noted they were delighted to celebrate his graduation recently and that he started his new job today.

Council Member Coombs announced the Ward V Town Hall meeting was scheduled for Tuesday, August 18, 2020, where Greg Hayes, Budget Manager, would be present to discuss the budget, an independent speaker who would discuss campaign finance reforms and a general update from public safety would be provided. She stated there would be ongoing public meetings with the Business Advisory Board to discuss the Aurora minimum wage ordinance, noting the first one was scheduled for Wednesday, August 26, 2020 at 6:30 p.m.

Council Member Marcano announced the Ward IV Town Hall meeting was scheduled for Thursday, August 20, 2020 where an Oil & Gas presentation and Jessica Prosser, Housing & Community Services, would be provided. He expressed his appreciation for the tabling of item 10a and discussed the importance of having a way to have a debate about various models before an item was brought forward while preserving the people's right to speak. He shared his own personal experience testifying before City Council before he sat on Council and stated his view of the importance of the people's right to be heard.

Council Member Murillo announced the Ward I Town Hall virtual meeting was scheduled for Thursday, August 20, 2020 at 6:00 p.m. She stated the Ward I Town Hall meetings would remain virtual for the remainder of the year. She stated she was recently elected as Co-Chair of the RTD Accountability Committee and she was excited to be an advocate along with other council members who have worked on transit issues. She stated the committee's charge was very broad in that they were encouraged to examine the transit system in the state of Colorado and visioning from many different standpoints on how to ensure that RTD was being held accountable to serving its charge in public transit. She stated it was an 11-member group and they were doing their best and she expressed her hope that RTD would accept the committee's recommendations when submitted. She stated she would be soliciting input from other council members as representatives of Aurora to garner their thoughts on what RTD accountability looked like.

Council Member Gruber reminded everyone there was a COVID testing site at the Aurora Sports Park from 8:00 a.m. to 5:00 p.m. every day. He stated it was free and the results should be available in 4 days. He congratulated staff on their efforts in that regard. He provided an update on the Space Command, noting the proposals were due by the end of the month and he expressed appreciation to all those dedicated citizens who were working so hard on the proposal. He stated good progress was made at the meeting as there was a difference between listening to people who called in and reading talking points provided by activists with a list.

Mayor Coffman reiterated Council Member Gruber's comments about the COVID testing site in Aurora, noting anyone with or without symptoms could be tested and he encouraged people to do so. He discussed his attendance at the recent Fire Rescue graduation and his

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visit to the last Aurora fire station. He expressed appreciation for all that Aurora firefighters and paramedics did. He stated he looked forward to attending the upcoming Police Academy graduation.

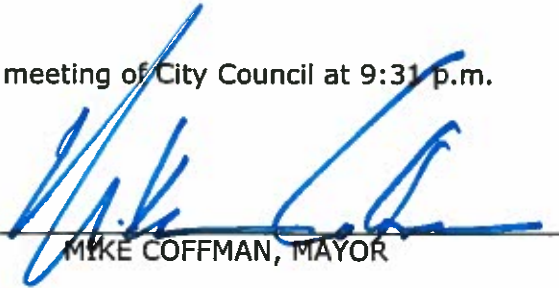
Council Member Berzins referenced the COVID testing site and pointed out a person being tested did not have to provide their name. She stated a form of contact must be provided however to receive the results. She discussed the success of the first virtual Ward III Town Hall meeting and announced the next meeting was scheduled for Wednesday, September 9, 2020 at 6:30 p.m. on WebEx. She noted further information could be found on her Facebook page and at auroragov.org.

17. **PUBLIC INVITED TO BE HEARD**

Susan Barkman, City Clerk, played voicemail public comments into the record up to the first three minutes.

18. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 9:31 p.m.



MIKE COFFMAN, MAYOR

ATTEST:

Susan Barkman
Interim City Clerk
