

Approved

MINUTES

**Regular Meeting – Aurora City Council
Monday, October 19, 2020**

CALL TO ORDER – REGULAR MEETING

Mayor Coffman convened the regular meeting of City Council at 3:15 p.m.

ROLL CALL

PRESIDING: Mayor Coffman

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

COUNCIL MEMBERS ABSENT: Bergan, Murillo

OFFICIALS PRESENT: City Manager Twombly, City Attorney Brotzman, City Clerk Barkman, Judge Shawn Day, and Zelda DeBoyes, Court Administrator.

COUNCIL MEMBERS ARRIVING AFTER ROLL CALL: None

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

Motion by Council Member Marcano, second by Hiltz, to recess for executive session.

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

Abstaining: None

1. RECONVENE REGULAR MEETING OF OCTOBER 19, 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: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

3. INVOCATION

Mayor Coffman called for a moment of silence for all those who have been lost to COVID-19.

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 21, 2020

Motion by Berzins, second by Marcano, to approve the minutes of the meeting of September 21, 2020 as amended.

◆ *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.*

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

6. **CEREMONY**

No ceremony.

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

Susan Barkman, Interim City Clerk, stated residents interested in addressing the City Council in Public Invited to be Heard should call 855-695-3475 and press *3 to speak with an operator who would place them in the queue. She stated those calling for Public Invited to be Heard who called before 7:30 p.m. would be placed in the first Public Invited to be Heard section on the agenda and those who called for Public Invited to be Heard after 7:30 p.m. would be placed in the Public Invited to be Heard section at the end of the meeting. She noted anyone who wanted to speak on a specific agenda item should alert the operator so they could be placed in the queue for that item. She stated all speakers were limited to three minutes. She introduced the speakers in the queue for the first section.

8. **ADOPTION OF THE AGENDA**

- a. RECONSIDERATION OF RESOLUTION R2020-24 - to Suspend Certain Council Rules.
Staff Source: Susan Barkman, Interim City Clerk/Dan Brotzman, City Attorney

Motion by Marcano, second by Berzins, to approve item 8a.

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

Motion by Marcano, second by Hiltz, to adopt the agenda.

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

9. **CONSENT CALENDAR**

Final Ordinances - - Final ordinances may be placed on the Consent Calendar and moved with one motion with unanimous support on the first reading.

- ◆ a. **2020-41** Consideration of AN ORDINANCE FOR ADOPTION of the City of Aurora, Colorado, extending the Current Ten-Month Moratorium on New Cultivations of Industrial Hemp within the City
Presenter: Peterson, Robin - Mgr Of Marijuana Enforcement
Attorney: Money, Daniel, Senior Asst City Attorney
- ◆ b. **2020-44** Consideration of AN ORDINANCE FOR ADOPTION of the City of Aurora, Colorado, appropriating sums of money in addition to those appropriated in ordinance no. 2019-82 for the 2020 fiscal year
Presenter: Hays, Greg - Budget Officer - Finance/ Hernandez Perez, Hans, Assistant City Attorney II Civil

For purposes of considering the following items 9c-h the City Council will be acting ex officio as the Board of Directors of the General Improvement Districts 1-2007, 1-2008, 3-2008, Pier Point 7 2-2009 and Aurora Conference Center 2-2011, Cobblewood 1-2016 respectively

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

- ◆ c. **2020-45** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of General Improvement District 1-2007 (Cherry Creek Racquet Club) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2021, and ending December 31, 2021.
Presenter: Nancy Wishmeyer, Controller, Finance
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil
- ◆ d. **2020-46** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of General Improvement District 1-2008 (Peoria Park) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2021, and ending December 31, 2021.
Presenter: Nancy Wishmeyer, Controller, Finance
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil
- ◆ e. **2020-47** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of General Improvement District 3-2008 (Meadow Hills Country Club) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2021, and ending December 31, 2021.
Presenter: Nancy Wishmeyer, Controller, Finance
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil
- ◆ f. **2020-48** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of Pier Point 7 General Improvement District 2-2009 adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2021, and ending December 31, 2021.
Presenter: Nancy Wishmeyer, Controller, Finance
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil
- ◆ g. **2020-49** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of General Improvement District 2-2011 (Aurora Conference Center) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2021, and ending December 31, 2021.
Presenter: Nancy Wishmeyer, Controller, Finance
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil
- ◆ h. **2020-50** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, of Cobblewood General Improvement District 1-2016 adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2021, and ending December 31, 2021.
Presenter: Nancy Wishmeyer, Controller, Finance
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil

The following items 9i-l are 2021 Budget related Ordinances

Motion by Gruber, second by Berzins, to approve items 9a and 9h.

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

- ◆ i. **2020-51** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, adopting an operating and capital improvements projects
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budget for the fiscal year beginning January 1, 2021, and ending December 31, 2021. **Presenter:** Greg Hays, Budget Officer, Finance
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil

Motion by Coombs, second by Marcano, to approve items 9i.

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

Greg Hays, Budget Officer, Finance, did so.

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

- ◆ j. **2020-52** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, establishing the tax levy on all taxable property within the corporate limits of the City of Aurora, Colorado, for the tax collection year beginning January 1, 2021, and ending December 31, 2021.
Presenter: Greg Hays, Budget Officer, Finance
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil
- ◆ k. **2020-53** Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2021 and ending December 31, 2021.
Presenter: Greg Hays, Budget Officer, Finance
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil
- ◆ l. **2020-54** Consideration of AN ORDINANCE FOR ADOPTION of the City of Aurora, Colorado, amending certain sections of Chapter 138 of the City Code of the City of Aurora, Colorado, relating to services for the provision of water
Presenter: Giddings, Jo Ann - D/D Water Financial Admin, Aurora Water
Attorney: McKenney, Christine, Client Group Manager

Motion by Gruber, second by Berzins, to approve items 9j and 9l.

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

10. RESOLUTIONS

- ◆ a. **R2020-114** Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, expressing the Aurora City Council's approval of the redesigned Dawn Fountain Sculpture (***This item also appears on the October 19, 2020 Study Session) (Due to this item being dual listed, the backup is included in item 3b of the Study Session Packet.)(Staff Requests a Waiver of Reconsideration) (This item was moved from the 10/5 which made it late requiring dual listing)***)
Presenter: Bloom, Roberta - Program Supervisor/Joyce, Tim, Assistant City Attorney II Civil

Motion by Marcano, second by Lawson, to approve item 10a with a waiver of reconsideration.

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

Voting Nay: Gardner

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11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2020-55**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, amending Chapter 14 of the City code pertaining to animals and the Aurora Animal Services Division
Presenter: Youngblood, Anthony - Manager of Animal Care/Joyce, Tim, Assistant City Attorney II Civil

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

Council Member Bergan expressed appreciation to staff for their efforts in putting the memo on barking dogs together and stated her support of the item.

Council Member Berzins stated her support of the item and noted her issue in this regard related to keeping residents safe.

Council Member Gruber stated he would not support the item. He felt it was much improved and he liked the changes that were made however, he was not in favor of the additional of allowing 'community cats' to exist. He felt this was a major mistake and a severe problem for Colorado.

Council Member Hiltz stated her support of the item and expressed appreciation to staff for their efforts in this regard.

Council Member Coombs stated she was being alerted there were those who were calling in to speak to Council that were being hung up on rather than reaching the operator when they pushed *3.

Susan Barkman, Interim City Clerk, restated the phone number and call-in instructions.

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

Voting Nay: Gruber

- ◆ b. **2020-56**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, amending Section 2-672 of the City code pertaining to authority to request procurements from certain State and Federal Programs
Presenter: Rodgers, Nancy - Deputy City Attorney
Sponsor: Councilmember Gardner

Motion by Gardner, second by Marcano, to introduce item 11b.

Council Member Gruber pointed out the item would eliminate or at least delay the City's ability to request equipment that was in excess of the federal government requirements. He further discussed recent incidents where the equipment was necessary and he felt putting Council in the middle of it was more oversight than was need and he would not support the item.

Council Member Gardner stated the item was not related to whether or not the City needed or used them items but rather the issue was bringing Council into the decision-making process and putting the same requirement in the City that the federal government had in place.

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Council Member Bergan asked if it was needed currently to approve those items. Council Member Gardner answered no, noting the federal government currently required city councils to give their approval. Council Member Bergan asked if the current process went from the Chief to the City Manager for approval through the budget. Council Member Gardner answered no, noting city councils were required to weigh in. Council Member Bergan asked if it was that Council had not had any to approve in the past considering it was not currently in place. Council Member Gardner stated it has been several years since the City has procured in the manner referenced by Council Member Gruber and any previous procurements were before this was put in place.

Mayor Pro Tem Johnston expressed appreciation to Council Member Gardner for bringing the item forward. She noted it was important that Council not get off track, noting the item was not about Council making a decision about procurement but was rather about more transparency and accountability with the City's Police Department. She stated her support for the item.

Council Member Berzins pointed out the item related to City departments and asked staff to speak to whether this related to more departments than just police.

Nancy Rodgers, Deputy City Attorney, stated it would apply to all City department procurements for anything that would be procured with seized assets forfeiture funds.

Council Member Berzins asked if the City was in violation from the federal government since they have not done this before. Ms. Rodgers noted that applied specifically to the 1033 Program. Council Member Berzins asked what the requirements were under the current administration. Ms. Rodgers stated she needed to double-check that information. Council Member Berzins stated Council might be voting on something that was not necessary.

Ms. Rodgers reiterated it only applied to the 1033 Program and it also depended on who was in the federal administration.

Council Member Berzins stated she did not view this as a transparency situation but more a legal issue of whether the City Manager could approve it without coming to Council.

Council Member Bergan stated it was redundant and unnecessary because it was not required and could slow down the process.

Ms. Rodgers pointed out the requirement related to the 1033 Program but Council Member Bergan was correct that this would add an additional step for the other areas because the item would require the other areas to come to Council when previously they did not.

Council Member Bergan stated she would not support the item.

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

Voting Nay: Bergan, Berzins, Gruber

- ◆ c. **2020-57**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, amending Section 2-667(f) of the City code pertaining to Disqualified Vendors or Contractors
Presenter: Bryn Fillinger, Manager of Purchasing Services/Lathers, David, Senior Asst City Attorney

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Motion by Coombs, second by Lawson, to introduce item 11c.

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

Bryn Fillinger, Manager of Purchasing Services, did so.

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

d. **2020-58**

Consideration of AN ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, repealing and replacing Section 54-2 and Sections 54-101 to 54-110 of the City code related to the Financing of Electoral Campaigns

Presenter: Venegas, Roberto - Deputy City Manager – General Management

Attorney: Lathers, David, Senior Asst City Attorney

Sponsor: Mayor Pro Tem Johnston and Council Member Marcano

Mayor Coffman deferred to Council Member Lawson, as the senior At-Large Council Member, to manage discussion on items 11d and 11e.

Council Member Gruber corrected an inaccurate statement made by a caller.

Susan Barkman, Interim City Clerk, introduced speakers who called in to speak to City Council.

ORIGINAL MOTION

Motion by Johnston, second by Marcano, to introduce item 11d.

Council Member Hiltz stated her support of the item. She noted any discussion in this regard would be remiss without honoring the efforts of Duane Senn who worked very hard on the issue.

Council Member Coombs discussed the importance of the ordinance, noting it ensured these issues were adjudicated by entities that were not serving at the pleasure of Council.

AMENDMENT I

Motion by Mayor Coffman, second by Gruber, to amend item 11d to change the contribution limits from \$800 to \$1000 for the Mayor and At-Large candidates per election cycle and from \$400 to \$500 for Ward candidates per election cycle.

Mayor Coffman stated the numbers were more realistic and made more sense.

Council Member Bergan asked staff to speak to Citizens United in terms of money being free speech and protected by the First Amendment.

Daniel Brotzman, City Attorney, did so, noting the Citizens United stated their perspective of the ruling was that money equaled speech. He pointed out the Buckley v. Vallejo case had the more definite take on the issue stating that as a First Amendment issue, the fact that one was allowed to contribute was considered speech. He stated limits were approved on that because it was decided that the speech was the support and the amount was irrelevant.

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Council Member Bergan stated her understanding that an individual had the freedom to make their own money and but not the freedom to give money away as they saw fit.

Mr. Brotzman concurred, noting the Supreme Court stated that but not in totality. He stated there were limits on certain aspects of speech and not others so supporting the candidate answered a yes or no question and the amount of the contribution was not a First Amendment issue.

Council Member Bergan asked if she could contribute to an Individual Expenditure Committee as an individual. Mr. Brotzman answered affirmatively. Council Member Bergan expressed concerns that people would find a way to give money and she thought the item would drive more dark money where it would be unknown where it came from. She asked why a council would not be able to prohibit out-of-state contributions on a local city government election when they would not have any interest in the city. Mr. Brotzman stated that was a matter of political opinion rather than a legal opinion. Council Member Bergan asked if she could make an amendment to not allow out-of-state contributions because in her opinion, they did not have anything to do with the local community. Mr. Brotzman answered affirmatively and noted it would however be up to the sponsors to accept it or not.

Council Member Marcano addressed Council Member Bergan and confirmed that while he supported that notion, he had that discussion with the legal experts and they were certain it would get challenged and perhaps even cause the entire item to be struck down. He expressed appreciation for her perspective however.

Council Member Bergan asked if she could still make an amendment with the sponsors' support. Mayor Pro Tem Johnston answered no, speaking for herself, noting they were very conscientious about all of the legalities and everything that went into the ordinance so that it would not be legally challenged.

Council Member Marcano stated that while he appreciated Council Member Bergan's perspective, the advice provided was that it would be challenged and struck down.

Mr. Brotzman discussed the potential for definitional problems.

Council Member Bergan state those definitional problems made her point because both ordinances did not allow contributions from corporations, LLC partnerships and businesses that resided in Aurora and therefore had an interest in City policy.

Council Member Lawson requested procedural direction from staff. Mr. Brotzman did so.

Council Member Berzins pointed out there was an amendment on the floor which had not been discussed.

Council Member Lawson stated Council Member Bergan's comments related to expenditures.

Mayor Pro Tem Johnston stated as a ward council member and cosponsor of the item, she would not support Mayor Coffman's amendment and expressed appreciation to Council Member Lawson for her efforts in this regard.

Council Member Coombs asked if the amendments would impact the small donor committee totals. Council Member Marcano answered no.

VOTE ON AMENDMENT I

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

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

AMENDMENT II

Motion by Bergan, second by Gruber, to amend item 11d to *not allow out-of-state contributions.*

Council Member Coombs stated she supported the amendment in principle but felt in practicality it was a 'poison pill amendment' that would essentially be legally challenged therefore she would not support it.

Council Member Gruber addressed the phrasing and recommended the amendment state '*a candidate could not accept out-of-state money for their campaign.*'

Council Member Bergan concurred. She restated her amendment to state '*to not allow candidates to accept out-of-state contributions.*'

Council Member Coombs asked where the amendment would go in the ordinance. Council Member Bergan stated 54-101C.

Council Member Hiltz stated she supported the amendment in theory but not in practicality because there were people who lived outside of Aurora that have a vested interest in the policymakers in the City. She pointed out it was however worthy of further conversations.

Council Member Bergan asked if it was okay to exclude receiving money from actual businesses in Aurora, and also okay to receive monies from an out-of-state contributor. Council Member Hiltz stated a business was not a person and individuals in a business could donate personally. She reiterated this was a really good conversation to have but she was not at a point where she could support it. Council Member Bergan pointed out two people who owned businesses or had a partnership as an LLC were people and businesses could not contribute under the current ordinance whether they were out-of-state or not.

Council Member Marcano concurred, noting the owners of the LLC could contribute as individuals because the LLC was an artificial person and not a natural person, which was the underlying intent of the ordinance.

Council Member Berzins stated allowing out-of-state contributions meant it was okay for out-of-state groups such as Planned Parenthood, Sally's List and others to send checks to Aurora. She stated she had a small business and she was a real person. She discussed the research she has done on this issue which identified Owen Perkins', Secretary of the Denver Democrats, involvement. She stated Mr. Perkins was fundraising from the ordinance that he wrote and she found that disgusting. She questioned where this was all coming from. She agreed the rules should be updated but not in the manner in which it was being done.

Mayor Pro Tem Johnston discussed the concerns surrounding LLCs in this instance and how they related to the most recent Mayoral race in Denver. She stated they were excluded from contributing because of all of the progress Aurora was making to eliminate dark money.

Council Member Hiltz pointed out some of the organizations such as Planned Parenthood that were discounted by Council Member Berzins directly represented women and women's health and

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considering there were women in Aurora and healthcare access was an issue for women across the country, they were relevant.

Council Member Murillo stated her appreciation for the intent but expressed concerns related to how it would be implemented. She discussed the high cost of living in Aurora and how people moved in and out of the state accordingly. She had additional concerns related to the timing of the amendment because she did not want to add anything to the ordinance that could create a legal challenge especially considering the monumental amount of time and effort it took the cosponsors to get the item to the floor.

Council Member Bergan expressed appreciation for all of the comments. She stated it was a simple amendment to prohibit out-of-state contributions because she did not see a place for out-of-state money. She stated Planned Parenthood was related to healthcare and had nothing to do with City government and noted while the item might cause legal issues, making the change to prohibit LLCs from contributing might also.

VOTE ON AMENDMENT II

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

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

AMENDMENT III

Motion by Lawson, second by Mayor Coffman, to amend item 11d to state *'During an election cycle, a person or political committee, other than a small donor committee, may not aggregate contributions to a candidate committee or recall defense committee in excess of \$400 to any one candidate in any one Ward race or \$1000 to any one candidate in any At-Large race or Mayoral race.'*

Council Member Lawson explained her reasoning behind the amendment.

Council Member Bergan discussed her experience running a campaign as a ward council member where her constituents were very active as voters. She suggested the differences in voting numbers from Ward I to Ward VI were drastically different. She stated therefore \$400 was really not enough and she stated her preference that the amount be unlimited because wards still had the same costs for websites and social media to get the message out.

Council Member Berzins took issue with an At-Large Council Member wanting \$1000 for At-Large and only \$400 for a Ward Council Member. She agreed with Council Member Bergan that the cost of social media was the same regardless and the disparagement was not equitable.

Mayor Pro Tem Johnston stated there was a CPI and adjustment that would go up in perpetuity with inflation. She stated it was incumbent on candidates to get more donations to be able to run even if it was in smaller amounts. She noted the City's best practices were based on what the state system was doing and this would provide consistency in that regard.

Council Member Marcano echoed Mayor Pro Tem Johnston's comments, noting this was best in terms of transparency, accessibility for residents to throw their hats in the ring and run themselves and this will make Aurora a better City for having done so.

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Council Member Hiltz stated her support of the item and discussed the various way the math could be done in a positive direction. She stated this was a good compromise because it mirrored neighboring cities. She stated this was fair and more accessible and she expressed appreciation to all those who worked so hard on the item.

Mayor Coffman asked if this included all City races included the mayor. Council Member Lawson answered affirmatively. Mayor Coffman pointed out using state races was not a good metric because 90 percent of those campaigns were run by outside groups.

Council Member Coombs stated she would support the item in the spirit of compromise. She pointed out all of the City's At-Large and Mayoral seats came from the wealthier parts of the City therefore she had concerns related to the inequity created in terms of representation by having inequity in the amount of money that candidates could accept. She reiterated however that she would support the item so as not to allow the perfect to be the enemy of the good.

Council Member Lawson stated she ran a campaign on a shoestring budget and this was in line with Denver. She stated At-Large had to cover more ground therefore she was requesting consideration to raise the limit to \$1000. She expressed appreciation to the sponsors' compromise and those council members who agreed with this consideration.

Council Member Berzins stated she was uncertain where the compromise was because the Mayoral and At-Large were raised and the Ward Council Member remained the same.

Council Member Lawson stated the compromise was the At-Large candidates needed more money because of the significant amount of outreach.

Council Member Bergan asked if this related to in-kind contributions. Council Member Marcano answered affirmatively.

Council Member Berzins stated she was termed out and could not run again and she felt this was insane. She stated it was a travesty to raise the At-Large rates by \$200 and leave the Ward Council Members at \$400. She did not feel it was a compromise and suggested those Ward Council Members who planned to run next year to really think about what they were doing.

Council Member Lawson reiterated this was a compromise and stated she relayed the information to the sponsors and a compromise was reached. She pointed out this was in line with Denver as it should be considering Aurora was the third largest city in the state.

Council Member Berzins asked Council Member Lawson who she spoke with. Council Member Lawson stated Council Member Marcano and Mayor Pro Tem Johnston as the sponsors of the item. Council Member Berzins stated her understand they told Council Member Lawson what she could and could not do.

Council Member Lawson disagreed. She stated she proposed a few options and worked with the sponsors to reach a compromise and pointed out crossing the line and working together was what Council should be doing.

Mayor Pro Tem Johnston concurred. She reiterated the CPI adjustments would take place and the sponsors were Ward Council Members themselves and as such felt comfortable with giving a little on the other end for the additional mailing and extended outreach. She stated this was not a negative thing because they communicated in a good, civil manner and she would support the item.

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Council Member Bergan asked if any consideration was given to matching the state representatives at a flat \$400. Council Member Marcano answered affirmatively, but noted the At-Large Council Members negotiated a higher amount. Council Member Bergan asked who was involved in the negotiations. Council Member Marcano stated the sponsors who were Ward Council Members and the At-Large Council Members. Council Member Bergan asked if they spoke with all of the At-Large Council Members.

Mayor Pro Tem Johnston pointed out the sponsors offered to speak to all council members to answer any questions in this regard and they also sent the backup information prior to the item being heard at the study session.

Council Member Hiltz concurred and stated she responded to a request from the sponsors to have a conversation about her concerns and noted this was actually not her biggest concern. She expressed concerns to the sponsors that they addressed in other sections.

Council Member Gruber pointed out he did not see an outreach from Council Member Lawson on the increase.

Council Member Lawson stated her outreach was to the sponsors directly and also to the other At-Large Council Members. She apologized for not being clear in that regard and pointed out council members could reach out to the sponsors as well.

VOTE ON AMENDMENT III

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

Voting Nay: Bergan, Berzins, Gruber

AMENDMENT IV

Motion by Marcano, second by Johnston, to amend item 11d to change section 54-105(b) to state *'During an election cycle, a small donor committee may not make an aggregate contribution to a candidate, committee or recall defense committee in excess of ten times the amount for a Ward candidate as specified in Section 54-105(a) or anymore than ten times the amount to any one candidate in an At-Large or Mayoral race as specified in Section 54-105(a).*

Council Member Marcano explained his reasoning behind the amendment.

Mayor Pro Tem Johnston concurred. She stated her support for the item and noted this amendment would make it consistent and would make adjustments for the limit amendment just approved.

Council Member Gruber questioned the need for a small donor committee at all.

Council Member Marcano stated small donor committees were currently limited and the sponsors felt ten times was an appropriate amount.

Council Member Bergan echoed Council Member Gruber's question regarding the need for small donor committees. She stated a union was not a person and having individuals make contributions would be more transparent.

Council Member Coombs explained how this helped address the dark money issue.

Mayor Pro Tem Johnston concurred, noting the sponsors were consistent and the rules were the same for unions and corporations.

Mayor Coffman asked if there was a disclosure provision for the candidate report when a small donor committee made a donation. Mayor Pro Tem Johnston answered affirmatively.

Council Member Marcano concurred.

Mayor Coffman stated his understanding of the disclosure for those who contributed \$50.

Council Member Marcano concurred.

Council Member Bergan stated her understanding it was ten times the \$400 for Ward Council Members and ten times the \$1000 for At-Large Council Members.

Council Member Marcano concurred.

Council Member Berzins asked where the information related to the amount labor unions could donate was located in the ordinance. Council Member Marcano stated in the same section that restricted what amount was allowed to give. Council Member Berzins asked if there were regulations on how much a union could give. Council Member Marcano answered affirmatively. Council Member Berzins asked if the amount was times ten. Council Member Marcano answered no, noting that related to small donor committees and not unions. Council Member Berzins asked if unions could donate. Council Member Marcano answered no. Council Member Berzins listed various donors and asked if they could contribute. Council Member Marcano answered no. Council Member Berzins stated her understanding that any group could get their members to donate.

Council Member Marcano concurred.

Council Member Berzins stated her husband belonged to IBW 68 union and asked if electricians from other states could send him checks. Council Member Marcano answered affirmatively.

VOTE ON AMENDMENT IV

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

Council Member Gardner recognized Mayor Pro Tem Johnston specifically for her help in working on these issues and for her willingness to compromise on a lot of key points. He stated his support for the item because it brought about increased transparency. He discussed concerns he had related to self-funders becoming much more important under this model because that would continue to be a trend because the City could not limit self-funding. He felt this would drive more money towards IECs. He expressed concerns related to the ordinance helping incumbents because it would allow incumbents to have a much greater advantage. He reiterated that while he did have these concerns, at the end of the day, this was an important step towards transparency with the residents of Aurora.

Council Member Lawson expressed appreciation to the sponsors for bringing the item forward. She expressed concerns related to making sure enough information was provided to train new

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candidates on this law and she expressed her hope that the sponsors would be open to possible amendment or changes that might need to be made in that regard as the item progressed.

Mayor Coffman stated he would not support the item and expressed appreciation for the limits and the similarities in this and his proposal. He felt it had two constitutional flaws that violated the First Amendment that were not identified earlier and he would be working on two amendments for those two provisions.

Council Member Bergan expressed appreciation for the effort that went into the item, noting there were two Campaign Finance Reform ordinances with similar terms that Council would vote on. She stated she did not like the \$400 Ward contribution because she felt it was a slap in the face to a Ward Council Member that worked very hard and represented 70k residents. She expressed concerns related to the burden this would put on the City Clerk's Office as the cost analysis added a few full-time employees (FTEs) to handle the additional reporting duties and IT changes. She pointed out some council members did not have large campaigns and they did everything themselves so the continued changes to reporting did not change the contributions because voters could still see what was contributed but noted it did put more of a burden on reporting. She stated all contributions were reported and there was full disclosure and therefore it stifled people's freedom to support candidates in terms of what amounts could be contributed. She stated this would lead to much more dark money because it prevented avenues of full disclosure. She stated she would not support the item but would support Mayor Coffman's Campaign Finance Reform ordinance.

Council Member Gruber stated he would not support the item and pointed out the Election Commission spoke strongly against the initial draft of this ordinance but they did support the Mayor's draft so that was the one he would support. He believed the ordinance was too complex and would end up putting candidates into a trap. He concurred with Council Member Bergan regarding the item's impact on City staff when the City already had limited funds. He pointed out while this was written by a local man, it was nearly identical to the ones introduced in Lakewood and Denver. He noted this was obviously led by the Democratic Party and extensively modified by Owen Perkins therefore stating it was an Aurora bill was inaccurate. He stated it was supported by various Democratic organizations and noted the money for it came from Act Blue, which was the fundraising arm of the Democratic Party. He stated the item also encouraged out-of-state money but only from some organizations. He discussed situations where a council member identified a number of out-of-state groups who collected smaller amount checks and funneled them into Aurora even though the person signing the checks had no relationship with the person in Aurora and that out-of-state money would have a major impact on Aurora elections. He also discussed his concern that the small donor committees were not killed as was discussed.

Council Member Marcano stated Council Member Gruber's comments were one falsehood after another which made it difficult to respond. He clarified Act Blue was not a Democratic donor arm but was instead a payment processor and one had to be a registered Democrat to benefit from it. He noted there were both Democrats and Republicans on the Council. He clarified the author of the item was Dale Nichols and the reason it was similar to Lakewood or Denver was because they were attempting to go as far as possible within the bounds of established law to push for low limits and transparency. He pointed out the sponsors did their due diligence by reaching out to legal experts and those who could help them craft an ordinance that represented the values of the City and that would be a model for other cities to follow.

Council Member Hiltz agreed Mr. Nichols put a lot of effort into the item and her intent in honoring Mr. Senn's memory was due to him being a longtime supporter of campaign finance reform. She

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stated that while she was not surprised, she was disappointed to hear her colleague politicize that work and she expressed her hope that was not the intent in doing so.

Mayor Pro Tem Johnston pointed out Aurora was using the same model as Lakewood and Denver which was the Secretary of State's version. She noted she presented this item to the Election Commission three times and pointed out they were not election experts or trained attorneys. She agreed the sponsors disagreed with the Election Commission and they did not unanimously support this or Mayor Coffman's ordinance. She asked staff if the future staff person called out to address election and campaign issues would be working on the ordinance only or would that just be a portion of their duties.

Roberto Venegas, Deputy City Manager, clarified one position was added in the fiscal notes in the backup material. He stated the position would be devoted to either elections administrator or a deputy position that would have this as a part of their responsibilities.

Mayor Pro Tem Johnston asked if the City Manager would pursue that position in the City regardless of which ordinance passed. Mr. Venegas answered affirmatively.

Council Member Bergan referenced p. 215 and read the backup material on the position aloud. She pointed out it referenced the creation of two positions.

Mr. Venegas disagreed and clarified the reference was to staff recommending two potential options.

Council Member Bergan asked if it would be one or the other. Mr. Venegas answered affirmatively. Council Member Bergan asked if the hearings would be an added cost. Mr. Venegas answered affirmatively.

Council Member Berzins stated Duane Senn was her friend and colleague and while she agreed he wanted transparency; she took issue with someone invoking his name in this regard. She stated this was not dissimilar to how Steve Hogan's name was used over and over when the Council was discussing the PATH building. She stated she knew both men and how they felt about these issues and she felt it was in poor taste to invoke a nice man's name to get the item passed.

Council Member Hiltz reiterated her comments were not about this specific proposal or whether it passed or not but rather was about someone who spent a lot of time working on the issue of finance reform, generally speaking. She stated her comments were to honor that work. She stated everyone had fond memories of Mr. Senn and she addressed Council Member Berzins, stating she was sorry she felt that way. She stated Mr. Senn's work and comments have influenced some of those who worked on the item and whether it was something he would have supported was not for her to say. She reiterated it was important to recognize the work of someone who worked diligently on this issue particularly when they did not get to see it come to fruition. She stated it was her view and hope that acknowledgment should be done for anyone who worked diligently in the City including this Council. She stated that was her intent from her heart and she was disappointed that it would be turned into anything else.

Council Member Bergan asked if meals, gas expenses or conferences could be included. Council Member Marcano stated to the best of his recollection, that the only thing that was added was childcare and everything that was allowed such as paying for volunteer meals remained. Council Member Bergan stated she had no problem with paying for volunteer meals but she noted reports where there were those who paid for their personal meal.

Council Member Marcano stated that was a violation.

VOTE ON ORIGINAL MOTION

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

Voting Nay: Bergan, Berzins, Gruber

City Council took a ten-minute break.

- ◆ e. **2020-59**
Consideration of AN ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, amending Sections 54-2, 54-6, 54-101, 54-105, 54-107, 54-108, & 54-109 of the City code pertaining to Elections and Campaign Finance
Presenter: Venegas, Roberto - Deputy City Manager - General Management/Lathers, David, Senior Asst City Attorney
Sponsor: Mayor Coffman

Motion by Coffman, second by Gruber, to introduce item 11e.

Mayor Coffman stated he asked Stephen Ruger, the previous City Clerk, what the components of campaign finance reform ought to be and Mr. Ruger stated it should be simple without everything being all in one proposal. He noted he followed that advice with this proposal, noting it was not something an election lawyer was needed to navigate and it was the only proposal supported by the majority of the Election Commission. He stated it limited contributions to \$1000k and that included contributions in-kind for an election cycle for Mayor and At-Large and \$500 for Ward candidates only for natural persons and banned corporations, labor unions and political action committees, limited liability corporations, and limited liability partnerships from giving. He stated the City Clerk vetted complaints and if the City Clerk felt there was adequate information then they forwarded it to the Election Commission for a vote. He requested Council's support.

Council Member Coombs reiterated the Election Commission was an entity that served at the pleasure of Council and to treat them as independent was something Council should be cautious not to do. She noted Mayor Coffman has brought up former City Clerk Ruger multiple times and it was her opinion that if Mr. Ruger wanted to lobby Council on this item, he would have done so.

Mayor Coffman clarified he asked Mr. Ruger as he was leaving the City prior to the Mayor drafting the proposal. He was aware at that time of the direction of the Marcano and Johnston's proposal and felt it was going in the opposite direction and that was when he began the drafting process.

Voting Aye: Bergan, Gruber

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

12. **ORDINANCES FOR FINAL**

- ◆ a. **2020-42** Consideration of AN ORDINANCE FOR ADOPTION of the City of Aurora, Colorado, adopting Section 2-234(b) of the City Code pertaining to the prohibition of no-knock warrants by law enforcement ***Ordinance 2020-42, Introduced 7-3 (Bergan, Berzins, Gruber voting no) at the October 5, 2020 Council meeting.***
Presenter: Rodgers, Nancy - Deputy City Attorney - City Attorney
Sponsor: Councilmember Lawson

Motion by Lawson, second by Marcano, to approve item 12a.

- ◆ ***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.***

Mayor Coffman urged Council to not support the item based on the Chief of Police's testimony that banning no-knock search warrants could put members of the police force at higher risk.

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

Voting Nay: Bergan, Berzins, Gruber

- ◆ b. **2020-43** Consideration of AN ORDINANCE FOR ADOPTION of the City of Aurora, Colorado, amending article VIII of Chapter 2 of the City Code to add a new Division 6 establishing a new Civic Engagement Commission **Ordinance 2020-43, Introduced 7-3 (Bergan, Berzins, Gruber voting no) at the October 5, 2020 Council meeting.**
Presenter: Barkman, Susan - Interim City Clerk/Lathers, David, Senior Asst City Attorney

Motion by Coombs, second by Marcano, to approve item 12b.

Council Member Coombs stated this was a step forward in increasing civic engagement in the City, to raising people's awareness of what was happening on Council and enabling another avenue for them to provide Council with input and ideas about what Council could do better. She stated her hope that her colleagues would support it.

Council Member Berzins clarified her comments that were called into question from a resident related to the item. She stated it was the Council's job to get information out to citizens and that was why some of them opposed the Civic Engagement Commission. She reiterated getting information out was Council's job. She noted this was why she held two Ward meetings per month and sent out HOA letters and attended meetings.

Council Member Bergan stated she would not support the item because she agreed civic engagement was Council's job. She believed the commission was basically a 'get-out-the-vote' commission whether or not it was called voter engagement, which made it political and it was her opinion it did not have a place with City Council.

Council Member Coombs clarified it was not a 'get-out-the-vote' effort and reminded Council that she only raised the topic of voter statistics to illustrate that the City could do better with respect to engagement.

Council Member Bergan addressed Council Member Coombs, stating she was not referring to Council Member Coombs but rather to the other colleagues who stated it was fine for it to be a 'get-out-the-vote' or voter engagement effort.

Council Member Hiltz agreed with Council Member Coombs' statement that this was not a 'get-out-the-vote' organization. She stated her belief that more people should vote and noted she found it scary when elected representatives did not. She addressed Council Member Bergan and stated she was uncertain if that was Council Member Bergan's intent but confirmed that was what she heard.

Council Member Bergan thanked Council Member Hiltz for the clarification, noting that was not what she meant to say. She stated she would love to have everybody voting. She clarified she did not think there should be a committee that has that responsibility because that made it very political. She stated Council's job was to make sure voters know what the issues were, what was going on in the City Council including the budget and that was done by holding Town Halls and

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engaging on social media and other forums. She stated Council got out the information they should be getting out.

Council Member Gruber agreed everybody needed to vote and he did not want anything to hinder that. He expressed concerns related to the committee becoming a political organization where the majority of Council would direct them to get out the vote on specific political issues. He pointed out there was a difference in stating 'people should vote' and 'people should vote and support these issues.' He stated that made it political and he would not support it. He noted there were many organizations within the City and this organization was not clearly defined and would therefore roll over a few of the others that were similarly trying to gather and provide feedback and foster a sense of neighborhood to compete for the same type of thing and that would cause confusion and animosity between these different groups. He expressed additional concerns related to creating a committee during a major economic crisis, noting this was not the right time. He noted if it were not political, if there were clearly defined goals and the City was not furloughing employees at this time then he would support it.

Council Member Coombs clarified Barbara Dahl who was previously in charge of the City's boards and commissions, stated at the presentation of the item, that each of the City's boards and commissions served a unique function. She stated during the time she was working on the ordinance with Ms. Dahl, Council Member Lawson and other community and board members, no one felt that this one would usurp any of the others because it had a unique place that would provide an opportunity for partnership rather than pushing others out.

Council Member Gruber stated he had many discussions with City employees and people within the community who agreed with him. He addressed Council Member Coombs and stated her people agreed with her but noted not everyone did including him.

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

Voting Nay: Bergan, Berzins, Gruber

13. **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 Rodgers, Deputy City Attorney

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

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

14. **GENERAL BUSINESS**

- a. Consideration to reappoint one member to the Judicial Performance Commission
Presenter: Barkman, Susan - Interim City Clerk/Lathers, David, Senior Asst City Attorney

Motion by Marcano, second by Johnston, to reappoint Debbie Stafford to the Judicial Performance Commission.

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

15. **REPORTS**

a. Report by the Mayor

Mayor Coffman discussed his attendance at the Gold Star Families Memorial Dedication Ceremony that took place recently at the Colorado Freedom Memorial. He reminded council members to let him know when they attended an event so that he could acknowledge them in the audience. He announced the negotiations with various entities to fund the design work for the improvement of Montview Boulevard running through the Anschutz campus. He stated he has been working with the mayors of Colorado Springs and Denver and the Colorado Hotel and Lodging Association to petition the governor to change from a cap at the Gaylord, Broadmoor and Denver Convention Center hotels to a percentage while still allowing for social distancing and other public health safety factors. He noted the numbers were rising and therefore the proposal was put on hold until those numbers stabilized.

b. Reports by Council

Mayor Pro Tem Johnston encouraged everyone to visit the Colorado Freedom Memorial and discussed her attendance at the recent Gold Star Families memorial ceremony. She expressed appreciation to Rick and Diane Crandall for their efforts in that regard. She referenced Council Member Hiltz's comments regarding Duane Senn and noted Council Member Hiltz was very clear that her intent was to honor Mr. Senn because campaign finance reform was an important issue to him regardless of whether the ordinance passed or not. She stated she did not think invoking his name was politicizing anything because Council should be able to honor people and recognize them for the work. She referenced her many discussions with Mr. Senn and noted one of the reasons he supported her was because of her position and commitment to working on that issue. She gave a shout-out to Council Member Lawson for her efforts in chairing the meeting on those two items and stated she did a great job.

Council Member Lawson expressed appreciation to those who raised the topic of the Gold Star memorial event, noting it was a wonderful event that honored veterans and also to Rick and Diane Crandall for being great leaders in the community. She stated the next session of the Civic Engagement Academy would begin on Monday, October 28, 2020 and expressed her hope that the participants who were currently in class would continue to come and learn more about what was going on in Aurora.

Council Member Hiltz stated her wish that she could have attended the memorial and expressed her appreciation to Rick and Diane Crandall for their commitment to supporting the City's veteran community. She discussed a Zoom meeting she attended with the Colorado State Faith Communities United to End Gun Violence, which was an interfaith coalition of metro communities working to build consensus and support to help end deaths and injuries in Colorado caused by the improper use of firearms. She expressed appreciation to the sponsors for inviting the Council and for hosting the event.

Council Member Murillo announced the next Ward I Town Hall was scheduled for Thursday, October 22, 2020 at 6:00 p.m.

Council Member Berzins expressed appreciation to Rick and Diane Crandall for their service to veterans and current military in the community. She announced the Ward III meeting was

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scheduled for Thursday, October 22, 2020 at 7:30 a.m. on Webex. She stated more information could be found on the City website and on her City Facebook page.

Council Member Gruber expressed appreciation to Rick Crandall for doing a wonderful job and discussed the impressiveness of the memorial and the Gold Star Memorial for the fallen. He discussed the success of the recent Aurora Chamber of Commerce fundraiser and expressed appreciation to Leadership Aurora for their efforts in that regard.

Council Member Marcano expressed appreciation to the Crandalls for their efforts on behalf of veterans and discussed his hope to visit the memorial in the morning to see the sunrise through the silhouette of the saluting soldier. He announced the Ward IV meeting was scheduled for Monday, November 19, 2020 at 6:30 p.m. where Nine Mile, Economic Development and the Housing First program would be discussed.

Council Member Coombs echoed everyone's appreciation to Rick and Diane Crandall and agreed the Gold Star Memorial Dedication was wonderful and the memorial itself was beautiful. She announced the Ward V Town Hall meeting was scheduled for Tuesday, October 20, 2020 on Webex and Facebook Live at 6:30 p.m., where resources in varying City departments could be accessed would be discussed and updates from police and fire would be provided. She expressed appreciation to her colleagues for supporting the Civic Engagement Commission and noted she looked forward to working with community members in that regard.

Council Member Bergan discussed her attendance at the Gold Star Families Memorial and the beauty of the structure itself and expressed her gratitude to those who sacrificed their lives for America's freedom.

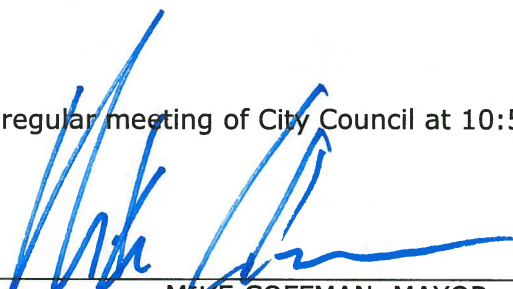
Council Member Gardner discussed his attendance at the Gold Star Memorial as well and shared a specific story that was conveyed during the ceremony. He announced the upcoming Boos Cruise event hosted by Aurora Parks and Open Space was scheduled for October 30, 2020 from 3:00 p.m. to 7:00 p.m. at the Aurora Sports Park.

16. **PUBLIC INVITED TO BE HEARD**

None

17. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 10:54 p.m.



MIKE COFFMAN, MAYOR

ATTEST: