

MINUTES

Regular Meeting of the Aurora City Council

Monday, March 8, 2021

1. **RECONVENE REGULAR MEETING OF MARCH 8, 2021 AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council at 6:30 p.m.

Call-in instructions were provided for the benefit of the public.

2. **ROLL CALL** - Kadee Rodriguez, City Clerk

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

3. **INVOCATION/MOMENT OF SILENCE**

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

4. **PLEDGE OF ALLEGIANCE** (all standing)

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated matters related to water and economic development were discussed in the Executive Session.

6. **APPROVAL OF MINUTES**

6.a. December 21, 2020 Minutes

Motion by Bergan, second by Lawson, to approve the minutes of the meeting of December 21, 2020, as amended.

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

6.b. January 25, 2021 Minutes

Motion by Gruber, second by Coombs, to approve the minutes of the meeting of January 25, 2021, as presented.

◆ *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.c. February 8, 2021 Minutes

Motion by Gruber, second by Murillo, to approve the minutes of the meeting of February 8, 2021, as presented.

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

7. **PROCLAMATIONS OR CEREMONIES**

None

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

Council heard call-in testimony on non-agenda related items.

9. **ADOPTION OF THE AGENDA**

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

Kadee Rodriguez, City Clerk / Dan Brotzman, City Attorney

Motion by Gruber, second by Marcano, to approve item 9a.

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

Motion by Gruber, second by Bergan, to approve the agenda as presented.

AMENDMENT I

Motion by Coffman, second by Coombs, to move items 20a and 20b to follow item 21.

Mayor Pro Tem Bergan stated her objection to the amendment because Council reports were done at the end of the meeting, and Public Invited to be Heard took place at the beginning, during every agenda item, and at the end of the meeting and she felt reports should be a part of the general business of the Council.

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

Voting Nay: Bergan, Berzins, Gardner, Gruber

Council Member Gruber stated he would like to postpone item 11g to the March 24, 2021 meeting because the item has undergone significant change, and he would like to modify it accordingly so that it matched the amendment.

Mayor Coffman asked if there were any objections from Council in doing so and hearing none, moved item 11g to the March 24, 2021 Council agenda.

VOTE ON ORIGINAL MOTION AS AMENDED

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

10. CONSENT CALENDAR

This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar.

10.a. Consideration to AWARD A SOLE SOURCE CONTRACT to Microsoft Corp., Reston, VA in the amount of \$146,409.00 for annual premiere software support for Windows and Office 365 through April 2022.

Scott Newman, CIO, Information Technology/Dave Lathers, Senior Assistant City Attorney

10.b. Consideration to AWARD A SINGLE SOURCE CONTRACT to Stone Security LLC., Salt Lake City, Utah in the amount of \$73,276.00 for annual support of the City's Axis security cameras and video software through January 2022.

Scott Newman, CIO, IT/ Dave Lathers, Senior Assistant City Attorney

10.c. Consideration to AWARD A SOLE SOURCE CONTRACT to Versaterm Systems, Scottsdale, Arizona in the amount of \$278,850.00 for annual renewal of software maintenance on the Police Information Management and Mobile Report Entry Systems through March 2022.

Scott Newman, CIO, IT/ Dave Lathers, Senior Assistant City Attorney

10.d. Consideration to award a sole source contract to CarePoint, P.C., Englewood, Colorado in the amount of \$100,000.00 for Medical Director services for the Fire Department through December 31, 2021.

Matthew Wasserburger, Assist Dir Of Fire Mgmt Svcs/Dave Lathers, Senior Asst City Attorney

10.e. Consideration to AWARD A CHANGE ORDER TO THE COMPETITIVELY BID

CONTRACT with RN Civil Construction, LLC, Englewood, Colorado in the amount of \$104,049.00, for the First Creek Lift Station Capacity Improvements Project, Project No. 5719A.

Andrea Long, Senior Engineer, Aurora Water / Dave Lathers, Senior Assistant City Attorney

- 10.f. Award an OPENLY SOLICITED CONTRACT to HR Green, Greenwood Village, Colorado in the not-to-exceed amount of \$125,000.00 for management support services for the Transportation Capital Project Program with a Waiver of Reconsideration. R-1987

Matt Kozakowski, Transportation Project Delivery Manager / Dave Lathers, Senior Assistant City Attorney

Motion by Gruber, second by Marcano, to approve items 10a – 10f.

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

Mayor Coffman called for a five-minute recess to allow staff to set up for public comment.

11. **RESOLUTIONS**

- 11.a. Intergovernmental Agreement (IGA) between Aurora and Colorado Department of Transportation (CDOT)

R2021-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR FUNDING OF THE HIGH LINE CANAL TRAIL PROJECT

Matt Kozakowski, Transportation Project Delivery Manager / Michelle Gardner, Senior Assistant City Attorney

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

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

- 11.b. Intergovernmental Agreement between Arapahoe County and Aurora Regarding Gun Club Road and Alameda Avenue Improvements

R2021-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND ARAPAHOE COUNTY REGARDING GUN CLUB ROAD AND ALAMEDA AVENUE IMPROVEMENTS

Victor A. Rachael Jr., Deputy Director of Public Works - Engineering / Michelle Gardner, Sr. Assistant City Attorney

Motion by Bergan, second by Johnston, to approve item 11b.

◆ *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: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

11.c. Westminster Water Delivery Agreement

R2021-12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR WATER DELIVERY BETWEEN THE CITY OF WESTMINSTER, COLORADO, AND THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE

Dawn Jewell, South Platte Basin Water Resources Supervisor, Aurora Water /
Stephanie Neitzel Assistant City Attorney

Motion by Marcano, second by Coombs, to approve item 11c.

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

11.d. Colorado Legal Services Agreement Regarding Contributions Toward the Landlord – Tenant Legal Services Program

R2021-13 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY, COLORADO LEGAL SERVICES, THE CITIES OF AURORA, THORNTON, FEDERAL HEIGHTS, BRIGHTON, COMMERCE CITY, WESTMINSTER, AND NORTHGLENN, AND THE CITY AND COUNTY OF BROOMFIELD REGARDING CONTRIBUTIONS TOWARD A LANDLORD/TENANT LEGAL SERVICES PROGRAM

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistant City Attorney

Motion by Coombs, second by Hiltz, to approve item 11d.

Mayor Pro Tem Bergan stated that while the program was a good one, she would not support it because she did not believe in using taxpayer dollars for legal services for another organization.

Council Member Coombs requested staff provide a brief summary of the item for the benefit of the public.

Jessica Prosser, Director of Housing and Community Services, did so.

Mayor Pro Tem Bergan asked staff if the City had a rental assistance program and if so, how much money has gone towards it to help with evictions. Ms. Prosser confirmed the City did have a rental assistance program that was started in June of 2020, noting she could not recall the numbers exactly but believed approximately 680 different households have been served within Aurora at this time.

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

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Voting Nay: Bergan

11.e. Funding Agreement Between the City of Aurora and Comitris Crisis Center, Inc. 2021.

R2021-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO FUND THE COMITIS CRISIS CENTER, INC. FOR THE YEAR 2021 USING MARIJUANA SALES TAX FUNDS

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistant City Attorney

Motion by Gruber, second by Coombs, to approve item 11e.

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

11.f. Funding Agreement Between the City of Aurora and Aurora Mental Health Center for 2021

R2021-15 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2021 FUNDING OF AURORA COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTER, INC.'S HOMELESSNESS PREVENTION AND ASSISTANCE PROGRAMS

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistant City Attorney

Motion by Coombs, second by Marcano, to approve item 11f.

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

11.g. Military Open Enrollment School in Public Schools Bill

R2021-16 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S STRONG SUPPORT OF THE COLORADO GENERAL ASSEMBLY'S PROPOSED 2021 MILITARY FAMILY OPEN ENROLLMENT IN PUBLIC SCHOOLS HOUSE BILL

Sponsor: Council Member Dave Gruber

Staff: Luke Palmisano, Intergovernmental Rltns Mgr / Rachel Allen, City Attorney

11.h. First Amendment to the Intergovernmental Agreement between the City of Aurora, Arapahoe County and the South Aurora Regional Improvement Authority (SARIA) R

R2021-17 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, ARAPAHOE COUNTY, AND THE SOUTH AURORA REGIONAL IMPROVEMENT AUTHORITY (SARIA) REGARDING GUN CLUB ROAD IMPROVEMENTS

Matt Kozakowski, Transportation Project Delivery Manager / Michelle Gardner, Senior Assistant City Attorney

Motion by Bergan, second by Gruber, to approve item 11h.

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

11.i. Resolution Amending FPPA Contribution Rates for Fire

R2021-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE CONTRIBUTION RATE TO THE FIRE POLICE PENSION ASSOCIATION ("FPPA") DEFINED BENEFIT PLAN, ADMINISTERED BY THE FPPA, FOR REENTRY FIREFIGHTERS AND ESTABLISHING THE CONTRIBUTION RATE FOR THE FPPA HYBRID PLAN AND FPPA MONEY PURCHASE PLAN

Terri Velasquez Director of Finance/Hans Hernandez, Assistant City Attorney

Mayor Coffman noted the item would be voted upon in two parts and asked staff to speak to the legal ramifications of splitting the item.

Daniel Brotzman, City Attorney, did so.

Motion by Gruber, second by Bergan, to approve item 11i.a.

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

Kadee Rodriguez, City Clerk, stated item 11i.b was the same resolution, but it applied to all other firefighters rather than reentry firefighters.

Motion by Marcano, second by Coombs, to approve item 11i.b.

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

11.j. The Aurora Flexible Housing Fund Program for 2021 at Current Funding Levels

R2021-19 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, TO AWARD CITY FUNDING FROM THE CITY'S HOMELESS PROGRAM TO THE AURORA FLEXIBLE HOUSING FUND PROGRAM FOR 2021 AT THE CURRENT FUNDING LEVELS

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistant City Attorney

Motion by Coombs, second by Lawson, to approve item 11j.

Mayor Pro Tem Bergan asked staff when Council would receive the data and outcome measures report.

Jessica Prosser, Director of Housing and Community Services, stated data from the past year could be provided to Council and a more accurate report for 2021 could be provided.

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

Call-in instructions were provided for the benefit of the public.

Mayor Coffman called for a five-minute recess to allow speakers to sign up for the call-in line.

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

None

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

14. **INTRODUCTION OF ORDINANCES**

14.a. Lobbyist Registration Ordinance

2021-08 AN ORDINANCE OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, ADDING ARTICLE IX TO CHAPTER 2 OF THE CITY CODE PERTAINING TO THE REGULATION OF LOBBYISTS.

Sponsor: Council Member Angela Lawson

Staff: Luke Palmisano, Intergovernmental Relations Manager / Rachel Allen Client Group Manager

Motion by Lawson, second by Marciano, to approve item 14a.

Council Member Lawson stated she brought the item forward because it added another transparency tool that would allow the public to know how Council made their lobbying decisions thereby gaining more public trust. She expressed her hope that her colleagues would support the item.

Mayor Pro Tem Bergan asked if a non-profit that was lobbying Council for money for programs would be required to register. Council Member Lawson answered affirmatively.

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

14.b. Menstrual Care Products Sales Tax Exemption

2021-09 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING ARTICLE II OF SECTION 130 OF THE CITY CODE

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RELATING TO EXEMPTING MENSTRUAL CARE PRODUCTS FROM SALES AND USE TAX

Sponsor: Council Member Allison Hiltz and Council Member Curtis Gardner

Staff: Trevor Vaughn, Manager of Tax and Licensing / Hans Hernandez, Assistant City Attorney

Motion by Hiltz, second by Gardner, to approve item 14b.

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

14.c. Temporary Caps on Fees for Food Delivery

2021-10 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 26 ADDING ARTICLE III REFERRED TO AS "TEMPORARY CAPS ON FEES FOR FOOD DELIVERY," AND OTHER RELATED MATTERS

Sponsor: Council Member Curtis Gardner

Staff: Trevor Vaughn, Manager of Tax and Licensing / Hanosky Hernandez Perez, Assistant City Attorney

Motion by Gardner, second by Coombs, to approve item 14c.

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

15. **FINALIZING OF ORDINANCES**

15.a. MODIFICATION OF THE EXEMPTION FOR LONG TERM LODGING

2021-07 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, AMENDING ARTICLE IV OF SECTION 130 RELATING TO THE MODIFICATION OF THE EXEMPTION FOR LONG TERM LODGING

Trevor Vaughn, Manager of Tax and Licensing / Hans Hernandez, Assistant City Attorney

Motion by Gruber, second by Marcano, to approve item 15a.

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

16. **PLANNING MATTERS**

None

17. **ANNEXATIONS**

None

18. **RECONSIDERATIONS AND CALL UPS**

18.a. RECONSIDERATION OF RESOLUTION 2020-22 – Review of the powers granted to the City Manager by Resolution 2020-22.

Jim Twombly, City Manager / Evans, Isabelle, Assistant City Attorney

Motion by Coombs, second by Marcano, to approve item 18a.

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

19. **GENERAL BUSINESS**

19.a. Consideration to reappoint (2) two members to the Planning and Zoning Commission

The Planning and Zoning Commission is requesting to reappoint (2) two members and schedule interviews for (1) one vacancy.

Kadee Rodriguez, City Clerk, General Management / Dave Lathers, Senior Assistant City Attorney

Motion by Bergan, second by Gruber, to reappoint Esther Turcios and Gayle Jetchick to the Planning and Zoning Commission.

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

19.b. Consideration to appoint (1) one member to the Aurora Commission for Seniors

Kadee Rodriguez, City Clerk, General Management / Dave Lathers, Senior Assistant City Attorney

Motion by Bergan, second by Coombs, to appoint George Bane to the Aurora Commission for Seniors.

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

19.c. Consideration to appoint (1) one member to the Aurora Fox Arts Center Advisory Board

Kadee Rodriguez, City Clerk, General Management / Dave Lathers, Senior Assistant City Attorney

Motion by Marcano, second by Coombs, to appoint Judy to the Aurora Fox Arts Center Advisory Board.

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

19.d. Removal of Council Appointees to Boards and Commissions and Removal of Civil Service Appointees

Staff: Dave Lathers, Senior Assistant City Attorney / Rachel Allen, Client Group Manager

Motion by Gruber, second by Gardner, to remove Harold Johnson from the Civil Service Commission as a consequence of falsifying information on his application and during his interview for the position.

Council heard call-in testimony on the item.

Council Member Gruber explained the fundamental issue of the item was that those who served on the Civil Service Commission must have integrity and character that was beyond reproach. He noted Mr. Johnson stated in his interview and application that he retired from the Denver Fire Department when in fact he was terminated. He pointed out Mr. Johnson was given multiple opportunities throughout the interview to clarify the issue. He stated he brought the item forward once he was made aware of the information. He read and discussed Mr. Johnson's disciplinary action report with the City & County of Denver under Denver Fire, noting there were not personnel files but the letter was clear. He stated he spoke with Mr. Johnson who denied the events happened and stated his position that he was treated unfairly by the City & County of Denver. He stated it was not the responsibility of the Aurora City Council to determine whether or not the City & County of Denver's decision was appropriate with regard to Mr. Johnson but it was, however, their responsibility to identify if persons applying for a board or commission seat have misled or lied on their application or in their interview with the City. He stated his belief that Mr. Johnson did so in both instances and that doing so greatly affected the vote in his favor.

Council Member Johnston stated she would not support the item. She noted the question of termination or disciplinary actions was not on the application and she supported having a person like Mr. Johnson as a Civil Service Commissioner. She discussed his experience serving as a Civil Service employee and pointed out Mr. Johnson was the top applicant and she would not change that because given the City's need for reforms and changes, his experience was welcome. She pointed out Council Member Gruber's commentary was only one side of the story and instances of institutional racism and discrimination could be found at the City & County of Denver as well. She noted Mr. Johnson made himself accessible to Council during the process and she stated her hope her colleagues could remember that. She stated she reached out to those who knew Mr. Johnson and confirmed she she believed Mr. Johnson.

Council Member Gardner read from the City of Aurora Employee Handbook regarding intentional or knowing falsification, misrepresentation or material emission of facts related to City business. He pointed out this information was relevant because Civil Service Commissioners were considered temporary employees of the City. He noted Mr. Johnson chose to state he retired from Denver Fire in both writing and verbally which violated the City's employment policy. He noted a City employee would be terminated for giving false information on an application and in this instance, it was a Council appointee instead which

turned it into a political process. He noted this was not a case of Council not giving a second chance to someone who made a mistake and admitted their error but rather was an individual who, according to the City's Human Resources Department, was a City employee who gave false information on an application. He noted that would typically result in termination, however, this individual would likely not lose his role on the commission because of politics.

Mayor Pro Tem Bergan stated she was very troubled by the situation. She noted she voted in support of Mr. Johnson's appointment to the Civil Service Commission and only learned of his termination by the City & County of Denver afterwards. She stated she was troubled by the fact that he stated on his application and in his interview that he was retired and also made a statement to the media that Council was aware of the termination and appointed him anyway. She reiterated she and her colleagues had no knowledge of that. She pointed out a Civil Service Commission seat was a critical position where honesty, transparency, and objectivity were necessary as the person in that position made decisions on hiring people to the police and fire departments and who also participated in disciplinary hearings. She expressed her doubt that Mr. Johnson could remain objective in those hearings and noted it was tainted even if he could. She read from Mr. Johnson's termination letter which called out his repeated use of racial epithets and pornographic and sophomoric comments, his demeaning treatment of women, his overuse of his personal cell phone and his inability to tell the truth. She stated that along with the falsehoods on his application and in his interview for such a critical position was very concerning to her. She stated her hope that Mr. Johnson would have withdrawn his application as a result. She stated she was sorry to have had to read from his termination letter because she felt certain it was humiliating for him but that influenced her decision as to who should sit on such an important commission. She stated her support for the removal of Mr. Johnson from the commission.

Council Member Coombs pointed out what was written in the termination letter and the tone in which it was written brought into question whether Mr. Johnson's termination was as he claimed which was a character assassination grounded in issues that superiors had with him. She stated without personnel files, it was the media's word against Mr. Johnson's and she did not think Council should allow for a person's character to be assassinated and partake in doing so based on partial information only. She stated it was unfair to claim that he intentionally lied and withheld information because he was not asked if he had retired.

Council Member Gardner noted it was important to point out that it was factually incorrect that Council relied purely on media reports when they had the termination letter from Denver Fire.

Council Member Lawson stated she initially took issue with Mr. Johnson putting false information on his application so to sort it out, she contacted Mr. Johnson and had a long discussion with him. She stated without having personnel files, there was no proof so it depended on what one believed in the letter and she believed what Mr. Johnson told her about the situation. She noted additionally one cannot always believe what the media puts out. She noted Council did not ask Mr. Johnson if he was terminated therefore the onus was on Council for not asking what was now being determined to be an important question. She stated that after talking with Mr. Johnson about the issues she had, she believed he would be good on the commission and she would support him continuing on as a Civil Service Commissioner.

Council Member Gruber pointed out the irony that Council was discussing the appointment of Mr. Johnson to the Civil Service Commission, which gave him authority to write the reports that were used by the City to revoke the appeal of officers and firefighters who have lost their jobs in the City of Aurora. He noted in doing so, the Council was stating they did not believe the City & County of Denver's Fire Department. He restated that he too had spoken with Mr. Johnson. He pointed out Mr. Johnson's termination was reviewed by the Civil Service Commission of Denver and senior leadership of the Fire Department and also required the support of the Mayor.

Council Member Hiltz stated she would not support the removal of Mr. Johnson because she believed from the beginning there was more to the story so she had a conversation with him also.

Council Member Marcano noted he was initially in support of removing Mr. Johnson from the commission but after speaking with Mr. Johnson, he empathized strongly with his side of the story because he has had similar job situations with people in my own family and friend groups. He noted his complaint was that the information was not disclosed early on and was instead generated from the news media. He suggested perhaps that was something that should be considered for the City processes. He pointed out Council did not know everything that took place in Denver but they were aware there was a history of racial discrimination and lack of representation. He felt Mr. Johnson answered the interview questions well and he provided great insights in their subsequent conversations into what he thought the City could do to fix the lack of representation in its Civil Service. He stated his opinion that Mr. Johnson should have the chance to prove the Council's suspicions wrong rather than having them move forward with what was essentially a 'he said/she said' situation.

Council Member Gruber disagreed that this was a 'he said/she said' scenario as the City had a letter of termination from the City & County of Denver that stated why Mr. Johnson was fired. He reiterated Mr. Johnson stated on his application and in his interview that he was retired and not terminated.

Council Member Gardner expressed disappointment in the mental gymnastics of the discussion which have turned it into commentary on whether or not Mr. Johnson was justly terminated from the City & County of Denver. He pointed out Mr. Johnson may very well have been unjustly terminated, but either way, he lied on the application which was an offense that resulted in termination for a regular City employee. He imagined the City would be opening itself up to lawsuits from previous employees who were terminated for falsifying an application.

Council Member Murillo stated one of the most compelling concerns she had was the reality people faced of not being able to afford or have access to legal representation in these instances. She stated she could not speak to what transpired but she acknowledged people could not legally defend their character in this regard because of systemic exclusions and systemic racism. She stated it was difficult for her to overlook that fact and she was not going to tell an African American man how to navigate these types of situations after something like this happened. She felt it was inappropriate to do so and she was uncomfortable being hyper-focused on how Mr. Johnson chose to navigate it. She noted this information aside and while understanding the systemic barriers, she reminded Council how impressed they all were with the experience Mr. Johnson brought to the table and what he could contribute to the Civil Service Commission. She stated it would be interesting to

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see someone who has personally faced these systemic issues to be a part of the decision-making process. She stated she would not support removing Mr. Johnson. She pointed out perhaps there was a flaw in City processes that should be reviewed because Council believed they did their due diligence but came up empty-handed when seeking information about Mr. Johnson as an applicant therefore Council should acknowledge their role in the situation as well.

Council Member Coombs clarified Mr. Johnson would not be writing the appeal reports as suggested by Council Member Gruber because in fact, Mr. Johnson did not have the financial resources to appeal his termination. She noted he therefore brought the experience and perspective of someone who did not have access to due process due to economic circumstances. She pointed out representation mattered and it made a difference in these instances. She stated it was questionable that a Council who espoused the importance of due process regularly would make decisions based on a situation where someone did not have access to due process.

Council Member Gruber pointed out Mr. Johnson had union representation as a captain in the Fire Department.

Mayor Pro Tem Bergan stated she was puzzled by the comments being made about race because Council voted for Mr. Johnson to be appointed so it was clearly not a race issue. She stated his interview was taken in good faith and then it was discovered that he lied on his application and in his interview. She referenced the offenses called out in Mr. Johnson's termination letter, noting he would have had union representation in legal action against the City & County of Denver if all of those allegations were false. She reiterated the importance of having someone on the Civil Service Commission that had great character and she felt not removing Mr. Johnson was a mistake.

Council Member Johnston stated the Denver Fire Department management ran the union therefore Mr. Johnson did not have union representation because the very entity that wanted him terminated also managed the union. She pointed out unions were not always fair and oftentimes there were racial issues. She noted there was a lot around this and that was why she felt it was important to talk with Mr. Johnson.

Council Member Murillo stated the makeup of Aurora's union and the union for the City & County of Denver were wholly different and that power dynamic changed that structure which was a flaw in this scenario and that should be acknowledged.

Council Member Berzins noted that while she appreciated there were those who spoke with Mr. Johnson, she pointed out he was the person the Council was attempting to remove, so she wondered if anyone spoke to those in Denver who worked with Mr. Johnson to hear their side. She expressed concerns regarding how the other Civil Service Commissioners would handle having a newly appointed commissioner in their midst that was not honest on his application. She was concerned they might take issue with it which might result in more vacancies.

Council Member Coombs stated she received information from Denver that they felt Mr. Johnson was difficult to work with but noted it was necessary to question what role implicit bias played in those types of assessments that were made about people. She stated nothing she heard convinced her that Mr. Johnson was wrong in what he shared with her. She expressed her hope that the other commissioners would work with him. She clarified

Mr. Johnson told her he was willing to step back if this issue became a major one. She reiterated Council should not be participating in what might be the assassination of someone's character and it was unfair and unreasonable for Council to state Mr. Johnson had a bad character as some on Council have stated.

Council Member Gruber related his conversation with Mr. Johnson where he told Mr. Johnson the Council discussion on the issue might be unflattering and embarrassing for him but that it would all go away if he chose to resign to which Mr. Johnson responded that he had four votes so he was not going anywhere.

Mayor Coffman stated Mr. Johnson was unqualified for the position because he lacked integrity. He noted he might do a good sales job over the phone with some council members but he had no integrity. He pointed out Mr. Johnson would be making decisions over who would get into Aurora Police and Fire and also whether they were allowed to stay in for disciplinary reasons. He stated his opinion that it took an act of God to remove someone from a unionized organization such as police and fire whether in Aurora or Denver. He urged Council to vote in favor of the removal.

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

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

20. **REPORTS**

20.a. Report by the Mayor

Mayor Coffman wished everyone a happy International Women's Day. He stated Council should rely on the Civil Service Commissioners to conduct the interviews and then provide recommendations to Council especially in light of this recent issue. He discussed the recent situation of street racing where 600+ vehicles shut down I-225 southbound between Alameda and Colfax and stated he wanted to hear directly from the police department as to why they were unaware of the event and also how it would be prevented in the future.

20.b. Reports by the Council

Council Member Lawson wished her colleagues on Council a happy International Women's Day and to all of the women who have inspired her by making things happen in their community. She provided FSIR, state legislation and RTD Reimagine updates. She announced the 7th class of the Civic Engagement Academy would begin Thursday, April 8, 2021.

Council Member Hiltz wished everyone a happy International Women's Day and acknowledged the symmetry of the day with approving the menstrual care products item. She wanted to make sure that it was very clear that when talking about International Women's Day, and the menstrual care products, that the item went beyond the definition of women in a traditional sense to include all who menstruated in the tax exemption including the Trans and Non-Binary community. She noted International Women's Day always reminded her of when she ran for her Council seat, and it was her and seven men on the ballot.

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, March 25, 2021 on Webex. She provided an RTD Accountability update and wished everyone a happy International Women's Day.

Council Member Johnston discussed the success of the recent Town Hall meeting and expressed her appreciation to staff for their efforts in that regard. She announced the Town Hall meetings were scheduled for the first Thursday of each month at 6:30 p.m. and wished a happy International Women's Day to those who were celebrating.

Council Member Berzins announced the Ward III virtual meeting was scheduled for Wednesday, March 10, 2021 at 6:30 p.m.

Council Member Marcano announced the Ward IV meeting was scheduled for Wednesday, March 10, 2021 at 6:30 p.m., where Jim Twombly, City Manager, and the Chair of the City's Veterans Affairs Commission, would be present to provide updates. He wished everyone a happy International Women's Day.

Council Member Bergan stated the Civil Service Commission appointment process was obviously broken. She pointed out Council did not have the time to go into the backgrounds of every single appointee for 20+ boards and commissions therefore she suggested the City's Human Resources Department do the due diligence for Council prior to Council being provided applications or conducting interviews.

Council Member Coombs wished everyone a happy International Women's Day. She agreed there was a need for changes to the boards and commissions applications and that she has believed so for some time. She provided reports for DRCOG and Mile High Behavioral Healthcare and announced Ward V meetings were scheduled for the first Wednesday of the month.

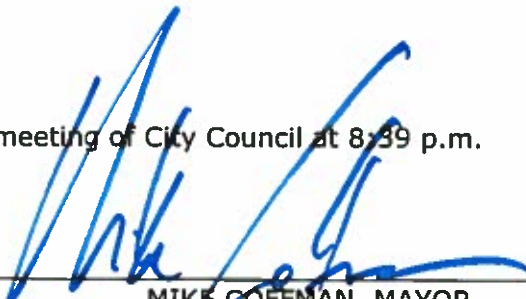
21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

None


22. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 8:39 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



Kadee Rodriguez, City Clerk

◆ *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.*