

MINUTES

Regular Meeting of the Aurora City Council

Monday, July 12, 2021

1. **RECONVENE REGULAR MEETING OF JULY 12, 2021 AND CALL TO ORDER**

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

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

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

Call-in instructions were provided for the public in both Spanish and English.

3. **INVOCATION/MOMENT OF SILENCE**

Mayor Coffman called for a moment of silence for all those lost to COVID and those who continue to suffer due to the virus.

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

5. **EXECUTIVE SESSION UPDATE**

Mayor Pro Tem Bergan stated a litigation update on campaign finance was provided at Executive Session.

6. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

Council heard public call-in testimony.

Mayor Coffman addressed one of the speakers who spoke in protest to the Aurora Police Department's (APD) insensitivity when informing her of her son's recent death in a car accident. He assured her that she was heard and asked her to please email him a picture of the door tag she spoke of.

Mayor Pro Tem Bergan stated she sympathized with the speaker and could not imagine her pain.

Council Member Hiltz asked that Chief Wilson, APD, provide Council with APD's death announcement procedures.

Mayor Coffman directed one of the speakers who spoke about the Homelessness Pilot program to visit auroragov.org and noted he and the Council would be providing further information as the metrics were not established at this time.

Council Member Murillo suggested staff connect with the speaker as she appeared to have input on the process thereby alleviating Council as the middle person.

Mayor Coffman stated it was Council's job to interface with constituents and he agreed to do so in this regard. He asked staff to provide him with the speaker's contact information.

Council Member Coombs requested staff provide Council with the information requested by the speaker as well.

Mayor Coffman concurred.

7. **ADOPTION OF THE AGENDA**

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

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

8. **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.

- 8.a. Consideration to AWARD A SINGLE SOURCE CONTRACT to Colorado Barricade Company, Denver, Colorado in the not-to-exceed amount of \$55,00.00 for rental of barricade equipment as required through July 31, 2022.

Mike Mills – Manager of Water Operations & Maintenance / Ian Best, Assistant City Attorney

- 8.b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Cabot Norit Americas, Inc., Marshall, Texas, in the amount of \$303,696.00 for the Adsorber Granular Activated Carbon Media for the Binney Water Purification Facility, Invitation for Bid B-4601.

Bobby Oligo, Manager of Water Treatment, Aurora Water / Ian Best, Assistant City Attorney

8.c. Consideration to AWARD A SINGLE SOURCE CONTRACT to McCandless Truck Center, Aurora, Colorado in the not-to-exceed amount of \$220,000.00 for the purchase of International original equipment manufacturer (OEM) repair parts as required through July 31, 2022.

Ronnie Forrest - Fleet Manager - Public Works / Ian Best, Assistant City Attorney

Motion by Bergan, second by Marcano, to approve items 8a – 8c.

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

Mayor Coffman called for a brief recess to allow staff to provide public call-in instructions.

9. **RESOLUTIONS**

9.a. A Resolution of the City Council Approving the Iliff Station Replacement Artwork

R2021-68 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF THE ILIFF
STATION REPLACEMENT ARTWORK

Roberta Bloom, Program Supervisor Library & Cultural Services / Tim Joyce,
Assistant City Attorney

Roberta Bloom, Program Supervisor Library & Cultural Services, provided a brief summary of the item.

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

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

9.b. Drainage and Flood Control Improvements for Westerly Creek and Easterly Creek at 11th Avenue and Havana

R2021-69 Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, of the First Amendment to an Intergovernmental Agreement between the City of Aurora Colorado acting by and through its Utility Enterprise and the Urban Drainage and Flood Control District, d/b/a Mile High Flood District, regarding the design and construction of drainage and flood control improvements for Westerly Creek – Easterly Creek at 11th Avenue and Havana.

Sarah Young, Deputy Director of Planning and Engineering, Aurora Water / Ian Best,
Assistant City Attorney

Motion by Bergan, second by Berzins, to approve item 9b.
Swirvine Nyirenda, Planning Services Manager, Aurora Water, provided a brief summary of the item.

Mayor Pro Tem Bergan noted this related to a 50/50 split between the City and the Mile High Flood District and asked if the \$475k came out of the Wastewater Fund. Mr. Nyirenda answered affirmatively.

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

9.c. Revised Environmental Covenant for Section 4 and Section 9 Property

R2021-70 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF THE AMENDED AND RESTATED ENVIRONMENTAL COVENANT BETWEEN THE CITY OF AURORA, THE CITY AND COUNTY OF DENVER, AND THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PERTAINING TO SECTIONS 4 AND 9, TOWNSHIP 5 SOUTH, RANGE 65 WEST OF THE 6TH P.M.

Sarah Young, Deputy Director of Planning and Engineering, Aurora Water / Ian Best, Assistant City Attorney

Andrea Long, Aurora Water, provided a brief summary of the item.

Motion by Gruber, second by Lawson, to approve item 9c.

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

Mayor Coffman called for a brief recess to allow staff to provide public call-in instructions and for callers to sign up to speak.

10. **PUBLIC HEARING WITH RELATED ORDINANCE**

None

11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

11.a. A Resolution to Approve the Velocity No. 1 Metropolitan District Amended and Restated Service Plan Amendment

R2021-59 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE VELOCITY METROPOLITAN DISTRICT NO. 1 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

Jacob Cox, Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Jacob Cox, Manager, Office of Development Assistance, provided a brief summary of the items.

Mayor Coffman opened the public hearing on items 11a – 11i.

Chris Fellows, representing the applicant, stated he was present to answer questions.

Council Member Gruber noted the items increased the debt limit for the nine districts and asked the applicant to speak to the debts being in total and not individual.

Allen Pogue, representing the applicant, did so.

Mayor Pro Tem Bergan stated a person in a residential district would only be responsible for their own mill levy.

Mr. Fellows concurred. He noted there were not any residents in this case because it was commercial. He further clarified the issue.

Council Member Coombs asked if any potential or existing tenants expressed concerns related to the increase in taxes as a result of this item. Mr. Fellows answered no, noting it would have no impact on their taxes.

Mayor Coffman asked if the items could be voted on together.

Daniel Brotzman, City Attorney, answered no.

Mayor Coffman closed the public hearing on items 11a – 11i.

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

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

11.b. A Resolution to Approve the Velocity No. 2 Metropolitan District Amended and Restated Service Plan

R2021-60 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE VELOCITY METROPOLITAN DISTRICT NO. 2 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

Jacob Cox, Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Motion by Gardner, second by Gruber, to approve item 11b.

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

11.c. A Resolution to Approve the Velocity No. 3 Metropolitan District Amended and Restated Service Plan

R2021-61 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE VELOCITY METROPOLITAN DISTRICT NO. 3 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

Jacob Cox, Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

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

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

11.d. A Resolution to Approve the Velocity No. 4 Metropolitan District Amended and Restated Service Plan

R2021-62 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE VELOCITY METROPOLITAN DISTRICT NO. 4 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

Jacob Cox, Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Motion by Berzins, second by Gruber, to approve item 11d.

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

11.e. A Resolution to Approve the Velocity No. 5 Metropolitan District Amended and Restated Service Plan

R2021-63 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE VELOCITY METROPOLITAN DISTRICT NO. 5 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF

AURORA, COLORADO AND THE DISTRICT

Jacob Cox, Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

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

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

- 11.f. A Resolution to Approve the Velocity No. 6 Metropolitan District Amended and Restated Service Plan

R2021-64 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE VELOCITY METROPOLITAN DISTRICT NO. 6 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

Jacob Cox, Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Motion by Gardner, second by Lawson, to approve item 11f.

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

- 11.g. A Resolution to Approve the Velocity No. 7 Metropolitan District Amended and Restated Service Plan

R2021-65 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE VELOCITY METROPOLITAN DISTRICT NO. 7 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

Jacob Cox, Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Motion by Gardner, second by Gruber, to approve item 11g.

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

- 11.h. A Resolution to Approve the Velocity No. 8 Metropolitan District Amended and Restated Service Plan

R2021-66 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,

COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE VELOCITY METROPOLITAN DISTRICT NO. 8 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

Jacob Cox, Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

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

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

11.i. A Resolution to Approve the Velocity No. 9 Metropolitan District Amended and Restated Service Plan

R2021-67 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE FIRST AMENDED AND RESTATED SERVICE PLAN FOR THE VELOCITY METROPOLITAN DISTRICT NO. 9 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

Jacob Cox, Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Motion by Gruber, second by Berzins, to approve item 11i.

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

Mayor Coffman called for a brief recess to allow staff to provide public call-in instructions and for callers to sign up to speak.

12. **INTRODUCTION OF ORDINANCES**

12.a. ADDING ARTICLE XII OF THE CITY CODE PERTAINING TO VEHICULAR PUBLIC NUISANCES

2021-23 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING ARTICLE XII OF THE CITY CODE PERTAINING TO VEHICULAR PUBLIC NUISANCES

Sponsor: Mayor Pro Tem Bergen

Mike Hanifin, Police Lieutenant / George Koumantakis, Criminal Prosecution Manager

Council heard public call-in testimony on the item.

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

Mayor Pro Tem Bergan stated the item came about as a result of many constituents' concerns about public safety and to deter this illegal and dangerous activity.

Council Member Lawson noted this was a pilot program and asked the anticipated timeline for measurements to be returned to Council. Mayor Pro Tem Bergan stated it would take a while to get the program going and anticipated the timeline to be towards the end of the first year.

Mike Hanifin, Police Lieutenant, provided a brief summary of the item.

Council Member Hiltz expressed appreciation to Mayor Pro Tem Bergan and Lieutenant Hanifin for their efforts in this regard.

Council Member Gruber concurred. He discussed the attributes of the item such as identifying and capturing the vehicles rather than the drivers and that it had a one-year clause. He noted it would be very effective.

Council Member Coombs echoed appreciation of Mayor Pro Tem Bergan and Lieutenant Hanifin. She expressed her hope that in addition to addressing the street racing that the City would also address the City's lack of street calming techniques.

Council Member Marcano concurred and noted his hope this would curb the activity and would encourage the utilization of traffic engineers to add calming measures to City streets.

Council Member Murillo echoed Council's comments regarding how the item might help curb these concerns, the benefit of a one-year pilot opportunity to review effectiveness and her support for other traffic-calming initiatives.

Mayor Pro Tem Bergan expressed her appreciation to Council for their support of the ordinance, to Lieutenant Hanifin for his efforts and particularly to Council Member Hiltz for her proposal of a pilot program.

Mayor Coffman urged everyone to support the item as it was a tough proposal which was needed to address this highly dangerous activity.

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

12.b. Terms of Council Members, Vacancies; by Adopting New Subsection (C)

2021-24 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 54-4 OF THE CITY CODE PERTAINING TO TERMS OF COUNCIL MEMBERS, VACANCIES, BY ADOPTING A NEW SUBSECTION (C) PERTAINING TO REMEDIES OR PENALTIES FOR

NONCOMPLIANCE WITH ARTICLE 3-7 OF THE CITY CHARTER OR SECTION 54-4
OF THE CITY CODE

Dan Brotzman, City Attorney; David Lathers, Senior Assistant City Attorney; Jack Bajorek, Deputy City Attorney; Rachel Allen, Client Group Manager

Daniel Brotzman, City Attorney, provided a brief summary of the item.

Council Member Coombs stated her understanding the item removed the criminal penalty but not the violation for failure to appoint at any time without a Charter change.

Mr. Brotzman concurred.

Council Member Lawson referenced a previous meeting where she asked Mr. Brotzman who could bring the action towards the Council and was told it was the City Manager. She noted the item language stated 'someone' could bring an action and asked Mr. Brotzman to clarify that reference. Mr. Brotzman did so, noting one was the criminal violation which would be brought by the City Manager and police department and the other was a civil action that could be brought by someone other than City staff.

Mayor Pro Tem Bergan stated the item did not address a tie vote therefore she would support the item because there was not a clarification in terms of facing criminal charges if Council was deadlocked.

Council Member Lawson addressed Mayor Pro Tem Bergan and suggested she make a recommendation for a committee to be established that would review the entire Charter and have changes go to the voters as needed.

Mayor Pro Tem Bergan agreed the Rules Committee should reconvene because the Council Rules and Council Charter did not align and that was problematic.

Mayor Coffman wondered what the cost of a special election would be and how far out a special election should be.

Council Member Marcano agreed there should be a Charter Review Committee and discussed his efforts related to the Special Election process.

Council Member Berzins pointed out Mr. Brotzman was asked to get a second opinion on the word 'shall' and asked him to speak to that request. Mr. Brotzman did so, noting he spoke with various other attorneys and they all agreed that 'shall' was a mandatory term which meant it was something Council must do. Council Member Berzins asked what had changed since 2014 when the language was not mandatory. Mr. Brotzman noted Council Member Berzins was referring to the pit bull ordinance when 'shall' was advisory. He stated the difference was where 'shall' was placed in the pit bull ordinance sentence. Council Member

Berzins asked Mr. Brotzman to speak to the language in the final paragraph of the notice which was convoluted and did not make sense. Mr. Brotzman did so.

Council Member Coombs pointed out the item actually related to future Council's and not the current existing issue. She wondered why Council would pass an ordinance rather than address the Charter issue in a special election.

Mayor Coffman stated his understanding Council could do a referring measure to the voters but that would not be decided until the election.

Mr. Brotzman concurred.

Council Member Coombs pointed out it did not apply to Council until the date passed for the appointment.

Mr. Brotzman stated the pending ordinance removed the general criminal penalty should Council fail to appoint by the deadline.

Mayor Pro Tem Bergan stated the item basically removed the violation because the Charter stated a majority must be reached and the Council remained deadlocked. She stated Council should not be criminally charged for their vote when they were voting with their values therefore it was necessary to remove the penalty until the Rules could be evaluated and changed.

Council Member Berzins asked if Council had immunity. Mr. Brotzman stated not in this instance.

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

Voting Aye: Bergan, Berzins, Gruber, Murillo

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

13. **FINALIZING OF ORDINANCES**

13.a. 2021 ACLC Heavy Fleet Program Financing Ordinance

2021-22 AN ORDINANCE AUTHORIZING THE USE OF LEASE-PURCHASE FINANCING TO ACQUIRE CERTAIN EQUIPMENT DURING THE 2021 FISCAL YEAR PURSUANT TO THE TERMS OF AN EQUIPMENT LEASE PURCHASE AGREEMENT BY AND BETWEEN THE AURORA CAPITAL LEASING CORPORATION, AS LESSOR, AND THE CITY OF AURORA, COLORADO, AS LESSEE: AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY, AND OTHER RELATED MATTERS

Andrew Jamison, Senior Debt Analyst / Hanosky Hernandez Perez, Assistant City Attorney

Terri Velasquez, Director, Finance, provided a brief summary of the item.

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

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

14. **PLANNING MATTERS**

None

15. **ANNEXATIONS**

15.a. E-470 Remnant Parcels Annexation

2021-25 FOR AN ORDINANCE ANNEXING A CERTAIN MUNICIPALLY OWNED PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO (E-470 Remnant Parcel Annexation) 12.67 ACRES

Laura Rickhoff, Development Project Manager, General Management / Brian Rulla, Assistant City Attorney, City Attorney's Office

Laura Rickhoff, Development Project Manager, General Management, provided a brief summary of the items.

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

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

15.b. Triple Creek Confluence Open Space Annexation

2021-26 FOR AN ORDINANCE ANNEXING A CERTAIN MUNICIPALLY OWNED PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 11 AND IN THE WEST HALF OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO (Triple Creek Confluence Open Space Annexation) 128.97 ACRES

Laura Rickhoff, Development Project Manager, General Management / Brian Rulla, Assistant City Attorney, City Attorney's Office

Motion by Marcano, second by Lawson, to approve item 15b.

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

16. **RECONSIDERATIONS AND CALL UPS**

None

17. **GENERAL BUSINESS**

17.a. Ward II Council Member Vacancy Appointment

City Council will consider appointing one candidate to the Ward II Council Member vacancy.

Motion by Bergan, second by Gruber, to appoint Steve Sundberg to the Ward II Council vacancy.

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

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

Motion by Marcano, second by Lawson, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Coombs discussed her support of Dr. Ross, noting a term on City Council was four years therefore the election was relevant to the appointment. She believed City Council should represent the values of the voters when choosing someone to finish out the remainder of the term for which the voters voted in 2017. She stated her belief that Dr. Ross did that best and noted he was also eminently qualified and had mediation experience. She requested Council consider his qualifications rather than decide based on their personal preferences.

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

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

Motion by Mayor Coffman, second by Gruber, to layover item 17a to the next City Council regular meeting.

Council Member Coombs pointed out Council already laid the item over once and since then has received the answers to their questions; therefore, she did not see the purpose or value in doing so again.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gruber

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

Motion by Gruber, second by Berzins, to appoint Steve Sundberg to the Ward II Council vacancy.

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

Voting Nay: Coombs, Hiltz, Lawson, Marciano, Murillo

Mayor Pro Tem Bergan asked if Council would continue to vote and remain deadlocked because it was ludicrous to continue to waste everyone's time with the same votes and results.

Motion by Bergan, second by Berzins, to layover item 17a until the election to allow the voters to decide the vacancy in November.

Council Member Marciano agreed with the spirit of the motion but pointed out it violated and disregarded the Charter which he found unacceptable. He stated Council needed to come to some sort of conclusion instead.

Mayor Pro Tem Bergan agreed that made sense if Council could come to a resolution because if not, they would violate the Charter regardless.

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

Voting Nay: Coombs, Hiltz, Lawson, Marciano, Murillo

Motion by Berzins, second by Gruber, to appoint Steve Sundberg to the Ward II Council vacancy.

Council Member Berzins stated Mr. Sundberg has been an Aurora resident since 1997 and he purchased his home in Ward II in 2003, therefore he has seen the changes, knows the area and neighbors, has a family-owned business in Aurora and was therefore the logical choice. She stated he was a true Auroran who would work in and for Ward II because that was him and that made him the correct person for the job.

Council Member Coombs stated it was ludicrous and disrespectful to Dr. Ross to suggest he was not a true Auroran when he lived in Ward II and was eligible for the vacancy. She pointed out he too had a business in Aurora and noted the implication that one was more of an Auroran than another was unacceptable.

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

Voting Nay: Coombs, Hiltz, Lawson, Marciano, Murillo

Mayor Coffman asked staff to speak to what constituted a settled question.

Daniel Brotzman, City Attorney, did so, noting the question remained open and would require an agreement to find a majority to be settled.

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Marcano, second by Murillo, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Murillo stated she voted in favor of the prior item in order to express her desire to allow the voters to resolve future issues such as this. She agreed this would last a while and was a waste of time but noted the passing of the prior item did not allow Council to abandon the responsibility to appoint someone who represented the will of the voters from the previous election. She noted Council has heard from many constituents, including previous council member Johnston as well as in interviews with Dr. Ross, that he best fits the will of the voters. She pointed out the makeup of Ward II demonstrates the Democratic registration was approximately 37 percent and while positive things have been stated about both candidates, Dr. Ross was the most qualified.

Council Member Marcano pointed out Council had never had an issue filling a vacancy before because while this was a non-partisan role, there has been a Republican majority on the Council and Republican appointees were chosen to fill vacancies. He noted there has never been this level of diversity of thought on Council and that was why there was an issue now. He addressed Council and stated for the record that he would vote for someone with similar values for their vacancy should something happen to them because he did not feel Council should have this power and he noted his expectation they would do the same for him. He stated to do otherwise was to insult the voters by usurping their will. He stated Council should appoint someone whose political values reflected those of the person they were replacing rather than Council's own political values. He stated those who have left in the past have had their requests honored and that was why he described this as an attempted coup because it was an attempt to thwart the will of the voters from 2017.

Council Member Murillo pointed out one of the candidates was on the ballot and one was not and appointing someone on the ballot was unfairly influencing the election process because doing so gave an unfair advantage to Mr. Sundberg.

Mayor Pro Tem Bergan pointed out allowing the voters to decide in November rather than filling the vacancy at this time gave no one an advantage. She pointed out one could not presume to know why voters voted for certain people.

Council Member Coombs stated her understanding that Council should let the voters decide who they wanted to vote for the 2021 – 2025 term in 2021 but the voters in 2017 already voted on the 2017 – 2021 term. She agreed the power should not be granted to Council

but the responsibility was given to them to be addressed until the Charter could be changed.

Mayor Pro Tem Bergan pointed out Dr. Ryan Ross was not on the ballot in 2017 so the voters did not vote for him.

Council Member Marcano concurred, noting Dr. Ross did not plan to seek office in the future, however, Nicole Johnston did run in 2017 and she identified Dr. Ross as someone who shared her values. He stated this has been easily accomplished in the past and the only difference now was there was a politically diverse Council and some were using this to win a majority they did not earn. He asked those opposed to Dr. Ross to do the right thing.

Council Member Coombs cited the example of Bob LeGare being appointed by the Council to fill the Mayoral vacancy in 2018 when Mayor Hogan passed away. She pointed out one of the considerations was Mr. LeGare not having the intent to run for Mayor in 2019 therefore if that was a valid justification in 2018, it was not clear why that was not the same in 2021.

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

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

Mayor Coffman called for a brief recess.

Motion by Coombs, second by Murillo, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Gardner discussed his meetings with both candidates and asked if any of those who supported Dr. Ross because of his political views met with Dr. Sundberg to discuss his.

Council Member Murillo stated she was basing her opinions on former Council Member Johnston herself. She stated she interviewed the candidates during the process.

Council Member Marcano stated he met with Dr. Ross because Dr. Ross reached out to him and Mr. Sundberg did not. He stated he too went through the candidate interview process and also reviewed not only their affiliations but also their contributions. He noted in doing so, he discovered Mr. Sundberg was a Trump supporter in 2016 and pointed out Donald Trump was not supported in Ward II at that time.

Council Member Coombs stated Mr. Sundberg's views were public because he was a current candidate for office and he participated in the interview process. She stated it was clear from those interviews that Dr. Ross was more aligned with former Council Member Johnston. She stated it was not necessary for Council to hold private meetings with candidates to understand their positions when their views were made public.

Council Member Gardner addressed those council members who spoke noting he found it interesting that they were criticizing him for asking about private meetings when they have all asked him to have private meetings with those they brought forward which meant they were not opposed to private meetings in general but rather just in this instance. He heard them stating that former Council Member Johnston told them how to vote and they were voting on party affiliation.

Council Member Marcano addressed Council Member Gardner, noting he did not appreciate him putting words in their mouths. He stated it was more about values than political affiliations. He stated it was about the values of the former council member who was duly elected as well as the values expressed by the candidate that weighed into his consideration.

Council Member Hiltz stated former Council Member Johnston was a personal friend and professional colleague and because she left, anything was on the table. She noted she had conversations with both candidates. She reminded Council to remain respectful of both candidates and each other as this process continued even when they did not agree.

Council Member Lawson addressed Council Member Gardner and stated she met with Dr. Ross but her schedule conflicted with Mr. Sundberg's so they did not meet. She stated she gained her information from the candidate interviews and from how they each addressed the questions. She agreed that while Mr. Sundberg had good ideas, Dr. Ross stating that he did not want to run, he did want to work for the people in Ward II, made him the more appropriate person for the vacancy in her mind.

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

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

Motion by Murillo, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Mayor Pro Tem Bergan stated she had a family emergency and might have to leave the meeting. She asked staff if the vote would require six votes to pass should she have to leave. Mr. Brotzman answered affirmatively.

Mayor Coffman asked Mayor Pro Tem Bergan her plans. Mayor Pro Tem Bergan stated she was waiting to get more information. Mayor Coffman stated her family would be in their prayers.

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

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

Motion by Murillo, second by Coombs, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Kadee Rodriguez, City Clerk, stated Council had the option to break a tie vote by casting lots should they choose to do so.

Council Member Berzins stated Council has gone back and forth several times and all the while, putting each other down which was entirely inappropriate and did not do anyone any good.

Motion by Berzins, second by Gruber, to layover item 17a until November to allow the voters of Ward II to decide.

Council Member Lawson asked staff to speak to the legality of laying the item over to allow the voters to choose. Mr. Brotzman did so.

Mayor Coffman asked what the argument would be. Mr. Brotzman stated it was speculative.

Mayor Pro Tem Bergan asked how Council violated the Charter when they did not have a majority. Mr. Brotzman stated the argument was Council 'shall' appoint. Mayor Pro Tem Bergan noted Council could not because they were deadlocked. Mr. Brotzman reiterated Council 'shall' appoint.

Mayor Coffman asked staff to speak to the City Manager's options in that regard. Mr. Brotzman did so.

Council Member Berzins pointed out it was basically all hypotheticals and meanwhile residents were seeing Council be dysfunctional when they could lay it over and let the voters in November choose.

Mr. Brotzman concurred.

Council Member Coombs addressed Mr. Brotzman and asked if Council being sued in a civil action for failure to vote due to not having a full Council became moot because the 2021 election occurred. Mr. Brotzman answered no. Council Member Coombs clarified her question, stating if Council was sued in the timeframe and the lawsuit took until past the election, it could be found against the Council and City.

Mr. Brotzman concurred.

Council Member Hiltz expressed concerns that the City attorney could determine how his office would handle a suit against Council when it has not yet happened.

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

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

Motion by Gruber, second by Bergan, to eliminate all candidates for the Ward II Council vacancy other than Dr. Ryan Ross and Steve Sundberg.

Mayor Coffman asked Mr. Brotzman if that was allowed. Mr. Brotzman answered affirmatively, noting Council would be agreeing to limit the candidacy to these two candidates.

Council Member Marcano asked Council Member Gruber to speak to the purpose for doing so. Council Member Gruber did so, stating the primary reason was based on standing. Council Member Marcano asked Mr. Brotzman if doing so limited standing for potential litigation in the future.

Mr. Brotzman clarified Council was not limited to the candidates chosen.

Council Member Coombs stated her understanding that this motion did not prohibit Council from bringing forward anyone they wanted.

Mr. Brotzman concurred.

Council Member Coombs asked if it changed anything. Council Member Gruber stated it was similar to the committee process where Council nominated and then chose appointees. He noted Council vetted five individuals and have narrowed it down to two therefore he was recommending only the two to have standing.

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

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

Motion by Coombs, second by Hiltz, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Lawson, second by Coombs, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Coombs asked those on Council who opposed Dr. Ross if they perceived a quality lacking in him.

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

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

Motion by Marcano, second by Coombs, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Lawson, second by Hiltz, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Coombs, second by Lawson, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Hiltz, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Lawson, second by Coombs, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Hiltz, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Council Member Marcano asked if anyone was moveable with data about how people voted or if it was a foregone conclusion.

Motion by Lawson, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Mayor Pro Tem Bergan stated her family member remained in the hospital and Council remained at a tie vote at this late hour.

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

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

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Coombs, second by Lawson, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Marcano, second by Lawson, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Marcano provided 2020 election results, noting former Council Member Johnston shared similar values to those elected and this vacancy should also.

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

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

Motion by Marcano, second by Lawson, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Marcano asked why there has never been a call for special elections until Council was filling a position with someone who they disagreed with politically.

Council Member Coombs pointed out the only motion being made at this time was to appoint Dr. Ross. She asked those who opposed the appointment what their expectations were moving forward since a consensus could not be made.

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

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

Motion by Coombs, second by Lawson, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Motion by Lawson, second by Coombs, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Coombs stated there were those who were offering a positive motion and those who were voting in a positive manner and there were those who were not. She noted in addition there was not any discussion in that regard and asked what positive those voting in opposition had to offer towards resolution.

Council Member Gardner noted other politicians who have been successful in Ward II have been mentioned, and it appeared those assertions did not hold water because he won a vast majority of precincts in Ward II in the most recently completed municipal election in 2019.

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

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

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Council Member Coombs asked Mr. Brotzman to speak to how Council would proceed with tie votes moving forward if they were to violate the Charter and not come to an agreement on this item considering the Mayor generally voted to break the tie. Mr. Brotzman did so, noting items without a majority would not pass. Council Member Coombs stated that basically set Council up to fail.

Council Member Lawson asked if someone could bring action towards Council in those cases. Mr. Brotzman stated they would not have standing in purely legislative matters. Council Member Lawson stated the case law would give Council more standing if they could not come to an agreement in this instance.

Mr. Brotzman concurred.

Council Member Lawson asked where that took place in Colorado. Mr. Brotzman did not have that information at this time.

Mayor Pro Tem Bergan pointed out tie votes failed.

Mr. Brotzman clarified tie votes were returned to the second meeting and a second tie vote there failed.

Council Member Coombs clarified that related to legislative votes and not appointments, noting appointments required a majority vote.

Mr. Brotzman concurred, noting that was unless Council agreed to move the item to the ballot.

Council Member Coombs stated that would put Council in violation of the Charter.

Mr. Brotzman concurred.

Council Member Berzins discussed previous tie votes and their resolution. She pointed out Council agreed on a lot of items and that did not mean they would always split because there were ten council members.

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Coombs agreed Council was able to agree on more administrative issues, however, she wondered why this had to remain completely deadlocked and no one could

come to a sixth vote to see that Dr. Ross would fill the vacancy well and could unite Council as he has done in a number of other matters. She noted he was an independent thinker who could fall on either side of an issue.

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

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

Motion by Lawson, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Council Member Gruber pointed out Council was in a paradox as both sides were representing and neither was moving. He read the Council's oath and noted the conflict was between their oath to support the Charter and their oath to administer affairs to the best of their ability. He stated he would not impugn either side voting for or against either candidate but pointed out repeating the vote would not provide resolution.

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Coombs stated this was a conflict and not a true paradox because anyone could change their minds at any time. She stated she did not see how it would be resolved until there was a different motion on the floor.

Council Member Marcano asked Mr. Brotzman to speak to how another motion to table the item to the election intersected with the oath to fulfill the Charter. Mr. Brotzman did so, noting Council was attempting to fulfill their role and there was no criminal intent by Council in doing so.

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

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

Motion by Murillo, second by Marcano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

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

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

Council Member Marcano asked if a motion to hear reports at this time out of courtesy for those constituents who could not stay up to continue to watch Council vote could be made.

Mayor Coffman asked Mr. Brotzman if that was allowed given the adoption of the agenda. Mr. Brotzman stated the agenda could be changed with a motion and approval of six votes.

Motion by Marciano, second by Coombs, to amend the agenda to move to agenda items 18a and 18b and then return to item 17a.

Voting Aye: Mayor Coffman, Coombs, Hiltz, Lawson, Marciano, Murillo,

Voting Nay: Bergan, Berzins, Gardner, Gruber

Mayor Coffman called for a brief recess.

Motion by Coombs, second by Murillo, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marciano, Murillo

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

Motion by Hiltz, second by Marciano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marciano, Murillo

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

Motion by Coombs, second by Marciano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marciano, Murillo

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

Motion by Hiltz, second by Marciano, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marciano, Murillo

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

Motion by Coombs, second by Hiltz, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marciano, Murillo

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

Motion by Marcano, second by Murillo, to appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Lawson stated it was apparent no resolution was eminent and asked those who supported Dr. Ross what their thoughts were other than the apparent grandstanding.

Council Member Marcano addressed Council Member Lawson and stated he shared her frustration. He expressed concerns related to setting precedence that allowed the vacancy provision in Charter to be used to shift the political ideology of Council and that violation of the Charter was okay when Council was deadlocked. He noted everyone agreed the Charter language could be better in that regard. He asked Mr. Brotzman if Council would be in violation of the Charter by the next Council meeting. Mr. Brotzman stated the deadline was July 29, 2021.

Council Member Coombs noted in the past there have been two routes taken with appointing vacancies which were to appoint enough of a term that they were not subject to term limits or someone who was not going to run again therefore in this case only one of those criteria was met. She stated she would be willing to look at anyone who met that criteria but not someone who was running because it gave them an incumbency advantage that they did not earn.

Motion by Coombs, second by Hiltz, appoint Dr. Ryan Ross to the Ward II Council vacancy.

Council Member Murillo cited other instances where someone was appointed similarly to Mayor Hogan's Mayoral vacancy. She discussed ways in which she thought about that previous instance, noting the political affiliation was not the same but she felt it was in the best interest of the City because Mr. LeGare was not planning to run for the Mayoral seat at the next election and because of his experience. She stated this situation was similar in that Council was attempting to determine what was best for the City. She stated she did not understand how they were contemplating appointing someone who was running in the upcoming election because it gave them unfair advantage regardless of political affiliation.

Council Member Lawson pointed out former Council Member Johnny Watson had to fight in the election for the At-Large seat so she did not understand how name recognition provided an unfair advantage. She stated she was not looking at political affiliation but rather at what was in the best interest of the City. She stated she supported Dr. Ross but was frustrated that Council was not getting anywhere. She wondered if allowing the voters of Ward II to decide since Council was unable to was a better tact. She stated she believed in the Charter and did not want to violate it but Council was stuck and that was not in the best interest of the City.

Council Member Murillo stated she had shared her rationale, values and the ways she was making her decisions. She stated she could not in good conscience move away from that. She stated her support of the remedy to bring the item to the voters in the future.

Council Member Lawson stated she too was sharing her values and wondered if it was the best-case scenario to let it go to the voters to decide who the Ward II Council Member should be.

Mayor Coffman asked if Council would be in violation of the Charter if they laid the item over to the next meeting of July 26. Mr. Brotzman answered no.

SUBSTITUTE MOTION

Motion by Lawson, second by Gruber, to layover item 17a to the next City Council regular meeting of July 26, 2021.

Mayor Pro Tem Bergan asked if Council was delaying it or allowing the voters to decide. Council Member Lawson stated she was willing to lay it over even though she felt it would have the same result and stated her colleagues would need to make a decision.

Council Member Marcano asked if any At-Large Council Members lived in Ward II. Council Member Lawson answered no and asked his point. Council Member Marcano stated he had the thought that if so, they could nominate that council member so as not to violate the Charter.

VOTE ON SUBSTITUTE MOTION

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

Voting Nay: Hiltz, Murillo

18. **REPORTS**

18.a. Report by the Mayor

Mayor Coffman discussed the extraordinary event celebrating the 30th anniversary of NAACP-Aurora founded by Dr. Shannon-Bannister and acknowledged the extraordinary leadership of she and Omar Montgomery.

18.b. Reports by the Council

Council Member Lawson congratulated NAACP-Aurora upon their 30th celebration in the City of Aurora and expressed appreciation to Dr. Shannon Bannister and Omar Montgomery for their efforts in that regard. She provided FSIR updates.

Council Member Gruber stated his support of President Biden and Governor Polis in their support of protestors in Cuba.

Council Member Hiltz discussed her attendance at the virtual NAACP-Aurora 30th anniversary celebration.

Council Member Murillo stated her hope to host the Ward I Town Hall meeting in person in Aurora. She congratulated NAACP-Aurora for 30 years in Aurora advocating for equity and access and discussed her attendance at the virtual celebration. She stated she was honored to attend and to support their initiatives including the opening of an Economic Development Center. She discussed her attendance at the recent Rebel Marketplace opening in Del Mar Park that supported sustainability in the community.

Council Member Berzins announced the Annual Ward III Picnic was scheduled for Saturday, July 24, 2021 at Bicentennial Park from 11:00 a.m. to 2:00 p.m. for Ward III residents only. She expressed appreciation to the City of Aurora for the wonderful July 4th fireworks show at Bicentennial Park, noting it was just what the community needed.

Council Member Marcano announced the Ward IV Town Hall meeting was scheduled for Wednesday, July 14, 2021 on WebEx and Facebook, where the International Making Cities Livable Conference would be discussed. He stated the August meeting would be in person at the Five Star Residences Community Center. He announced the final Havana Street Corridor Study public meeting was scheduled for Thursday, July 15, 2021 on Zoom and noted further information could be found at www.auroragov.org/Havana.

Council Member Coombs announced a Community Safety Forum for all residents, where par officers, Neighborhood Watch, Public Safety, Communications, Fire and community members would be present, was scheduled for Wednesday, July 14, 2021 at 6:30 p.m. She congratulated NAACP-Aurora for their 30 years in Aurora. She discussed her recent meeting with the Salvadorian delegation regarding the continuation of their partnership.

Mayor Pro Tem Bergan stated she too stood in support with those fighting for their freedom against decades of oppression in Cuba, noting they had her prayers. She announced the Ward VI Town Hall meeting was scheduled in person for Wednesday, July 21, 2021 from 6:00 p.m. to 8:00 p.m. at Heritage Eagle Bend, where 911 dispatch, police, and the District Attorney would be present and an update on crime and consumer fraud would be provided.

Council Member Gardner discussed his attendance at and the success of the recent Aurora Firefighters Local 1290 Big John Ale Tapping fundraiser at the Dry Dock Brewery and congratulated NAACP-Aurora on their 30 years serving Aurora. He recognized the good works of Dr. Shannon-Bannister and Omar Montgomery in that regard.

19. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

None

20. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 10:44 p.m.



MIKE COFFMAN, MAYOR

ATTEST:



KADEE RODRIGUEZ, CITY CLERK

