

MINUTES

Regular Meeting of the Aurora City Council

Thursday, July 29, 2021

CONTINUATION OF THE 07/26/2021 COUNCIL MEETING

1. **RECONVENE REGULAR MEETING OF JULY 29, 2021 AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council from July 26, 2021, 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

3. **GENERAL BUSINESS**

Continuation of Item 19.a. - Ward II Council Member Vacancy Appointment from the July 26, 2021 Council Meeting

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

Corey Hoffmann, Hoffmann, Parker, Wilson & Carberry P.C., presented the third-party findings as requested by Council related to whether a five-five tie was a Charter violation. He confirmed it was because the Charter did not provide another mechanism and there was no culpability in the traditional sense because each council member was voting their conscience and there was no criminal intent. He discussed the Mandamus Act as it applied to the situation and stated his opinion that the only way for Council not to be in violation of the Charter was for them to appoint someone to the vacancy.

Council Member Gruber stated his understanding there was zero to minimal risk of civil or criminal charges being brought against a council member for voting their conscience because of qualified immunity. He stated anyone could bring suit at any time but the risk to the City if sued when the Council acted in good faith and participated in all the votes would only result in the court applying another vote as a remedy.

Mr. Hoffmann concurred and pointed out there was not a guarantee when a judge was involved.

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Council Member Coombs asked Mr. Hoffmann to speak to the risk to Council should they vote affirmatively to not appoint anyone and subsequently violate the Charter as opposed to failing to adhere to the Charter with a five-five vote. Mr. Hoffman did so, noting he would not recommend Council do so because that created intent to violate the Charter on behalf of the body.

Council Member Murillo expressed appreciation to Mr. Hoffmann for his efforts in this regard. She asked him to opine on the previous motion to postpone the vote to November to allow the voters to decide. Mr. Hoffmann did so, noting the better approach would be to have a mechanism in place to amend the code to allow the vote to go to the election in the event of a tie vote. He stated this would be the likely result in this instance because of the timing of the vacancy and the calling of special elections. Council Member Murillo stated her understanding the motion did not exist in the strict understanding of how the Charter was being understood because it was not what Council was voting on.

Mr. Hoffmann clarified he did not listen to the recording of the previous meetings however he stated Council did not have the legal authority under City Charter or Code to specifically set it to a vote in November.

Council Member Murillo stated her understanding that deferring to the voters in this instance was not an option for Council.

Mr. Hoffmann concurred.

Council Member Murillo stated the remedy for the future would be to work on a Code amendment or ordinance to defer to the voters.

Mr. Hoffmann concurred.

Council Member Gruber asked for direction on wording a motion to end the discussion without a decision.

Dan Brotzman, City Attorney, stated a motion to continue the matter was the best course of action.

Mayor Coffman asked if the motion would be to move to table indefinitely. Mr. Brotzman answered affirmatively.

Council Member Coombs asked if a motion to continue constituted a vote to violate the Charter. Mr. Hoffmann stated because of the tie vote, Council would not be affirmatively voting to violate the Charter but rather were acknowledging there was a deadlock that could not be broken. He reiterated it was a technical violation of the Charter if they did not appoint but tabling the item would result in a separate violation of the Charter.

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Mayor Pro Tem Bergan addressed Mr. Hoffmann and stated she understood his legal opinion. She asked how it was a violation of the Charter when Council could not reach a majority. Mr. Hoffmann stated Council as a body was required to appoint and it was a violation of the Charter if the body was unable to appoint by a majority vote. Mayor Pro Tem Bergan pointed out the Charter did not consider a tie.

Mr. Hoffman concurred and stated the Charter talked about the body as opposed to the ten individuals that comprised the body and the body would be in violation if it did not appoint by a majority.

Mayor Pro Tem Bergan stated Council could not be forced to change their votes because they were voting their conscience.

Mr. Hoffmann concurred.

Council Member Lawson stated her opinion that a proposal to postpone indefinitely rather than going past the deadline could be seriously challenged.

Mr. Hoffmann stated the record of the robust attempts to fill the position would be reviewed and he felt the Court would respect the record should further discussion be futile and a refusal to continue to vote until midnight be decided.

Mayor Coffman expressed appreciation to Mr. Hoffman for his efforts in this regard.

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

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

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

Council Member Berzins stated Mr. Sundberg has committed to serve and work hard for Ward II and wondered why someone should be appointed who was not committed to Ward II and who only wanted to fill the Ward II seat for three months.

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

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

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

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

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

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

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

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

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

ORIGINAL MOTION

Motion by Gruber, second by Gardner, to table item 19a.

Mayor Pro Tem Bergan stated she understood Council could continue voting and noted no one wanted to force another to change their vote so there would continue to be an impasse. She asked staff if tabling resulted in a violation. Mr. Brotzman answered affirmatively, noting tabling resulted in a technical violation.

Mayor Pro Tem Bergan stated everything resulted in a technical violation.

Mr. Brotzman concurred.

Council Member Murillo stated Council had a candidate in Dr. Ross who was very qualified; a person of color; a person who has served Aurora specifically through police reform discussions; an outstanding member of the community; and a public servant. She expressed disappointment at Council's inability to agree to appoint him. She stated it was to his credit that he was not running for election in November and noted she could not in good conscience vote for anyone other than Dr. Ross because no one else came close to his qualifications. She stated he also brought a diverse lived experience to Council that was desperately needed. She pointed out the other candidate was running for election and voting for him would cause Council to meddle in the upcoming election which was irresponsible. She stated that while she found it disheartening that Council could not agree on the appointment, there was also the underlying issue of those who desired to change the makeup of the Council. She stated she was sorry Council found themselves at this point where they needed someone to opine on whether they would get in trouble over the issue. She stated she did not need to know the consequences for violating the Charter to know she did not want to violate the Charter. She found it frustrating that Council continued to be deadlocked and felt it was necessary to further contextualize why they were where they were at this point.

Council Member Marcano echoed Council Member Murillo's comments. He stated it was shameful there were those on Council who would use a Council vacancy as an opportunity to not only tilt the balance of power but also to basically override the will of the voters by attempting to appoint someone who was antithetical to the values of its previous occupant. He addressed Council and stated they could do better.

Mayor Pro Tem Bergan stated she took offense to those comments. She stated Mr. Sundberg was the best candidate for Ward II as he was philanthropic and a pillar of

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the community who has done so much for the Ward II community. She stated his heart was in it for Ward II as he has been a longtime resident of Ward II. She stated it was rude to state someone was not qualified when they were. She addressed Council Members Marcano and Murillo and stated it was disingenuous of them to suggest they knew the values of the current voters in Ward II. She pointed out she was attempting to be respectful of their vote and was not disparaging Dr. Ross. She stated Dr. Ross was a fine person, but she believed Mr. Sundberg was the better candidate. She referenced the statements that the situation was partisan and noted, if so, then it went both ways. She stated her hope the Council could respect each other.

Council Member Murillo stated she had no desire to get into a back and forth with her colleagues but wanted instead to point out she has specifically not disparaged another candidate and has only stated her support for Dr. Ross. She stated her understanding that it took a lot of effort to run for office and she believed it gave a candidate who was running for office an unfair advantage in the upcoming election. She believed the pro comments for the other candidate essentially mirrored her reasons for supporting Dr. Ross. She stated all Aurora residents were welcome to apply for these vacancies and length of time living in Aurora was not the ultimate reason to appoint. She stated she had to think otherwise as to why Council would not agree on a candidate. She stated expressing her opinion or concern over the process was not disparaging a candidate.

Mayor Pro Tem Bergan addressed Council Member Murillo and stated she respected her point of view and clarification. She clarified she was not accusing Council Member Murillo of disparaging Mr. Sundberg, noting she had heard some in past meetings that appeared to be making disparaging comments in her opinion. She stated she was not voting on someone based on the color of their skin and pointed out Mr. Sundberg was married to a black woman, and together they had mixed-race children, so it did not have anything to do with her decision.

Council Member Marcano stated his hope that Council could agree they did not want to be in this position again and therefore would support a Charter amendment for special elections in the future.

Council Member Berzins asked Mr. Brotzman if a motion to table was a violation of the Charter. Mr. Brotzman answered affirmatively, noting the provision required Council to appoint within 45 days so not doing so was a technical violation. He stated a motion to table recognized Council was deadlocked and could not resolve the deadlock. Council Member Berzins stated Mr. Hoffmann clearly stated a motion to table indefinitely was necessary to stop voting.

MODIFIED ORIGINAL MOTION

Motion by Gruber, second by Berzins, to table item 19a indefinitely.

Voting Aye: Mayor Coffman, Coombs, Gruber, Murillo

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Voting Nay: Bergan, Berzins, Gardner, Hiltz, Lawson, Marcano

Council Member Murillo stated she was having a hard time understanding the point of the previous conversation related to some council members' need for clarification on violating the Charter when now Council had that information and that was suddenly not an issue. She stated there was discussion about wasting people's time with the deadlock and postponing the vote to get more information which now turned out to be moot and false. She stated she had not wanted to postpone the previous meeting and only agreed to do so because she has another job and she needed to sleep before the next day and not because she needed to know the consequences of her actions particularly not from a second opinion standpoint. She stated she was confused as to where those who felt so strongly about the conversation today were at and expressed her hope that people would not use it after the fact to scramble their votes in a particular way for their own benefit.

Mayor Pro Tem Bergan expressed appreciation to Council Member Murillo for her comments. She stated the outside legal opinion helped to clarify the language and noted it was unfortunate that it could not be resolved.

Council Member Coombs stated her understanding that a motion to table was not an affirmative vote to violate the Charter but was rather an acknowledgment that Council could not succeed with the requirement.

Mr. Brotzman concurred, noting it was still a technical violation of the Charter. He stated the motion protected Council criminally under the Mandamus Act.

Council Member Coombs asked if the outcome was the same as voting until after midnight and remaining deadlocked. Mr. Brotzman answered affirmatively.

Council Member Hiltz stated her understanding this was an intent versus impact situation where the intention was not to violate the Charter, but the outcome was the same. She stated she also did not support the previous postponement and stated at the time that it was her opinion that doing so was a delay tactic to force Council into another meeting and a full Council violation which appeared to have been true. She stated she remained opposed to the Charter violation.

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

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

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

Council Member Berzins addressed Council Member Murillo and stated she would second her motion to table the item indefinitely as a show of unity within Council when she was ready to make it.

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Council Member Murillo stated she was clear that doing so was a Charter violation and noted the prior conversation was about needing clarification on the Charter violation and now it was made clear. She pointed out Council has also received legal advice on how to move forward on the stalemate and she was now seeing others not being consistent with the previous conversation about sticking to their values and not wasting the voters' time. She stated voting to midnight and tabling indefinitely had essentially the same effect and she did not understand why the motion to table did not pass.

Mayor Pro Tem Bergan agreed there was some confusion on the tabling motion. She pointed out Council was in violation of the Charter no matter what they did aside from someone changing their vote. She stated her appreciation for the clarification that a motion to table was not an affirmative vote to violate the Charter.

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

Council Member Gruber noted those interested in Mr. Sundberg could visit his website to read about all his contributions to the City as well as the reasons why he should be the Ward II representative.

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

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

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

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

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

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

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

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

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

Council Member Gruber referenced and read aloud from Mr. Sundberg's website where he stated his views on various issues.

Council Member Marcano inserted a point of inquiry. He asked if campaigning for others from the dais was allowed. Mr. Brotzman answered no, noting it was up to Council to decide if this was campaigning or discussing the appointment at hand.

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Council Member Hiltz stated if the question was whether this was campaigning, and Council was not actually allowing voters to have a say in the appointment process, then campaigning when the people did not have a vote was not allowed. She stated it was campaigning for a future election because the conversation at hand was about the appointment and not the election.

Mayor Coffman ruled the discussion permissible because Council was debating the qualifications of both candidates to make an appointment.

Council Member Hiltz addressed Council Member Gruber and stated his campaigning was irrelevant, a stalling tactic and embarrassing to the person he was advocating for.

Motion by Coombs, second by Murillo, to appeal to ruling of the Chair.

Council Member Lawson stated Council Member Gruber was reading Mr. Sundberg's platform which was campaigning.

Council Member Murillo stated the intent of the delay was unclear initially and that was no longer in doubt, noting what a sneaky way to campaign on behalf of a candidate running in the November election and creating an unfair advantage for that candidate. She addressed the Mayor and stated she did not agree with his ruling as he too was supporting the candidate and was therefore not willing to consider this campaigning.

Council Member Hiltz suggested reading from a campaign website paid by a campaign made it a campaign issue and not an appointment issue.

Mr. Brotzman stated that was one of the arguments that went into the decision Council was currently making.

Mayor Pro Tem Bergan stated the information Council Member Gruber provided was germane to the vacancy as he was attempting to change other council member's minds to vote for Mr. Sundberg.

Mayor Coffman stated that was also his interpretation.

Mr. Brotzman stated that was not a legal question. He stated it was a policy question in front of the Council at this point.

Council Member Murillo understood it was not a legal question but rather a question left to the body. She stated the campaign material being read aloud when the council member reading the campaign contributed to the campaign as well as the person who made the determination that allowed it was an issue.

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Council Member Gruber stated the bottom line was he could continue to read the qualification as to why Mr. Sundberg should be appointed and asked if a motion to table the item would prohibit him from continuing to read the information.

Mr. Brotzman stated a procedural motion took precedent over all others.

Council Member Coombs asked Mr. Brotzman if it was a conflict when the person making the decision on whether it was campaigning or not also contributed financially to the campaign. Mr. Brotzman stated the only reason to abstain was in the case of financial or personal interest in the matter and this was neither.

VOTE ON MOTION TO APPEAL

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

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

VOTE ON ORIGINAL MOTION

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

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

Mayor Coffman called for a recess of Council.

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

Council Member Coombs reiterated Dr. Ross worked for the Community College system within the City to develop the work force; to educate young people and adults alike; and to serve the community as a part of an organization whose role and function was in service to the community. She stated he was involved in philanthropy in many different respects and functioned as facilitator of the Community Police Task Force. She noted he worked with the community on those same issues as well as other issues of violence and empowering the community financially. She noted he demonstrated strong answers and respect to all council members and their questions in the applicant interviews which showed he would be able to build bridges and make connections with Council. She wondered if other council members believed differently.

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

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

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

Council Member Coombs read aloud what she felt was relevant information found in the Council backup where Dr. Ross stated why he desired the appointment.

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

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

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

Council Member Gruber read aloud a Denver Gazette article on Mr. Sundberg.

Council Member Murillo stated her disappointment that Council Member Gruber continued to campaign for a candidate on the ballot.

Council Member Gruber stated he was pointing out the reasons why Mr. Sundberg should be appointed.

Council Member Murillo addressed Council Member Gruber and noted he was reading from articles related to Mr. Sundberg running for office.

Council Member Coombs clarified she read information on Dr. Ross from the Council backup material.

Council Member Gruber reminded Council the meeting could be ended at any time.

Council Member Berzins expressed appreciation to those constituents who sent emails to Council after the previous meeting.

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

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

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

Council Member Coombs read aloud further information provided by Dr. Ross in the Council backup material.

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

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

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

Council Member Coombs referenced and read educational and award information aloud that Dr. Ross provided in the Council backup material.

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

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

Mayor Coffman called for a recess of Council.

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

Council Member Coombs pointed out the motion for Dr. Ross was made, discussed, and voted on many times. She pointed out the question of why Council should support someone who was running only to fill the vacancy has been asked and her answer was that doing so prevented Council from giving an added advantage to anyone in the upcoming election which in turn showed respect for the voters. She stated Dr. Ross has stated that filling the vacancy in the interim would allow the work of the City to continue and would also allow Ward II voters to select their own candidate in November. She asked her colleagues who did not support Dr. Ross why that was not sufficient for them.

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

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

Council Member Marcano asked Council why they did not support Dr. Ross.

Mayor Pro Tem Bergan stated she was not voting for Dr. Ross because she was voting for Mr. Sundberg who she felt was the best representative for Ward II.

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

Council Member Coombs addressed those on Council who were not in favor of Dr. Ross and asked why they were not willing to consider him as an alternative. Mayor Pro Tem Bergan pointed out she could ask the same question of those who supported Dr. Ross. Council Member Coombs stated Council should not appoint someone who was running for the seat because it gave them an unfair advantage. She noted Mr. Sundberg has stated his initial motivation for running was to stop the increase in minimum wage and she supported an affordable wage. She stated additionally, he was clear of his support of a camping ban which was the opposite of what the previous council member who held the seat believed.

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

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

Council Member Marcano stated Council Member Coombs' question was not addressed.

Mayor Coffman noted the reasons were repeatedly stated, and Council Member Marcano simply did not accept them.

Council Member Murillo stated her preference that Mayor Coffman not answer on behalf of other council members.

Council Member Marcano concurred. He stated the reasons given were why they intended to vote for someone else and not any rationale behind why they did not support Dr. Ross and he would like to hear it.

Council Member Murillo stated it was clear what was happening. She pointed out Council has traditionally supported the preference of the vacating member and those who were voting against Dr. Ross were abandoning that process for someone who was actively running for the seat in November. She stated that was one of her main issues. She stated Council should appoint someone whose values aligned with the previous council member to preserve democracy. She stated those in favor of Dr. Ross were fighting for proper representation because those in Ward II should not be without representation until the upcoming election. She reiterated Dr. Ross was not running for election and therefore appointing him was not setting him up to win an election. She stated this was very clearly a power grab and a push to actively campaign on the candidate's behalf. She expressed her disappointment that Council continued to have this conversation.

Council Member Marcano noted he was waiting for an answer to the previous question posed by Council Member Coombs as to why those who supported Mr. Sundberg did not support Dr. Ross.

Mayor Coffman addressed Council Member Marcano and stated he did not accept that those who supported Mr. Sundberg have reflected on why he was the best candidate. He stated Mr. Sundberg was a small business owner and he felt it was critical to have that representation on Council because he would argue Council Member Marcano and many others did not have the same experience.

Council Member Murillo called for a point of clarification and asked if Dr. Ross was a small business owner. Mayor Coffman answered no, noting he was a consultant. He asked how many employees Dr. Ross had. Council Member Murillo stated Dr. Ross had his own consulting business. She stated she did not know how many employees Dr. Ross had and asked Mayor Coffman if he knew.

Council Member Marcano asked Mayor Coffman if he had a problem with self-proprietorship and if one was only a small business owner if they directly employed

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others. Mayor Coffman stated the experience of having employees and being responsible for payroll was very significant as very few on Council had that experience. He stated he did but noted he did not believe others did.

Council Member Murillo asked Mayor Coffman if he paid his workers minimum wage when he was a small business owner. Mayor Coffman stated he paid a large range of salaries. Council Member Murillo stated it was relevant to understand the cost of living has not kept up with people's wages.

Council Member Marcano clarified the question was not why those who were supporting Mr. Sundberg were supporting Mr. Sundberg but rather why there were not supporting Dr. Ross.

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

Council Member Coombs stated sometimes one might take silence as a rejection of the point being brought forward and read aloud the values Dr. Ross stated in the backup materials submitted to Council for consideration. She asked those supporting Mr. Sundberg if they rejected those values and suggested if not, perhaps they might speak up in that regard.

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

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

Council Member Marcano stated his supposition that his colleagues did not support Dr. Ross' values as called out by Council Member Coombs.

Mayor Coffman asked who would like to respond with Mr. Sundberg's values and why they thought his values were wrong. Council Member Coombs noted she has done so. Mayor Coffman stated both were good candidates, but he believed Mr. Sundberg was the better candidate because he would bring more to the Council.

Council Member Marcano addressed Mayor Coffman and stated it did not appear as though he felt both candidates were good because he would not address the question.

Mayor Coffman stated Council Member Marcano did not value or understand the significance of Mr. Sundberg's small business experience and conversely, he did. He stated small businesses were the engine that drove economic growth and having someone on Council who understood small business versus government was very important. He acknowledged Dr. Ross could bring a lot to the Council, but he was not sure Dr. Ross could bring any more than Council Members Marcano, Coombs or others, whereas Mr. Sundberg could bring current knowledge of what it meant to be a small business owner in Aurora because the Mayor's knowledge was dated.

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Council Member Marcano addressed Mayor Coffman and stated part of the problem was he did not value the experience of working-class people and neither did Mr. Sundberg because of his opposition to raising the minimum wage. He stated workers were what made the economy run.

Mayor Coffman stated he has worked minimum wage jobs.

Council Member Marcano stated it was other types of paid labor also.

Mayor Coffman called for a recess of Council.

Council Member Lawson stated those with sole proprietorship businesses were still small business owners and should not be devalued as there were commonalities that were not referenced. She pointed out the previous council member who held the seat was also the sole proprietor of a consulting firm.

Council Member Murillo stated Council supporting small business owners while forsaking small business workers was not fair. She agreed there were many legal ways to create a small business and noted one person's experience did not negate another's. She stated supporting someone who opposed raising the minimum wage would support the owners rather than the workers and that went against the will of the voters. She asked why those supporting Mr. Sundberg would not support Dr. Ross.

Council Member Coombs stated sole proprietorships provided services while doing all the work themselves which made them owners and workers at the same time and that should not be devalued. She suggested Dr. Ross might have employees and asked her colleagues what of his values were not worth upholding.

Mayor Coffman stated he honored what sole proprietors did but felt there was something different about having payroll to be met prior to paying oneself that brought a different much-needed perspective to the table.

Council Member Coombs pointed out her question was not why Mr. Sundberg was supported but rather why Dr. Ross was not. She stated his value of growing the economy and providing opportunities that removed people from poverty was not inconsistent with meeting a payroll.

Mayor Coffman addressed Council Member Coombs and stated his answers were clear.

Council Member Coombs asked if anyone else on Council was interested in addressing Dr. Ross' values and what they could not support about them.

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

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

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

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

Council Member Coombs stated the motion specifically regarded the appointment of Dr. Ross and was not about the other candidate. She asked her colleagues to confirm if they supported a City with an amazing opportunity to grow the economy and provide opportunities that removed individuals from poverty.

Council Member Murillo referenced Dr. Ross' business accolades and awards and noted this evidenced Dr. Ross' leadership that spanned well over a decade.

Council Member Coombs stated Council had the responsibility to appoint someone and while they would not go to jail if they did not, not doing so meant they ignored the right of Ward II residents to have equal representation until December. She asked why those not supporting Dr. Ross were willing to violate the Charter if they thought he was such a good candidate.

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

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

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

Mayor Pro Tem Bergan stated she supported Mr. Sundberg because he had community support that went back decades. She discussed his most recent philanthropic ventures and countless contributions to the community and noted he employed many people who he treated like family.

Council Member Coombs stated she applauded and respected those who had the ability and good fortune to engage in philanthropy and those who were willing to pay their workers a living wage and would not put forward considerable personal and political effort to avoid doing so. She stated she valued those, like Dr. Ross, who brought policy, knowledge, and policy positions forward to the process and not just the ability to give money to others. She stated she would reconsider her position if she was wrong in her understanding of Mr. Sundberg's position on criminalizing poverty and homelessness and not paying a livable wage.

Mayor Pro Tem Bergan stated her understanding Mr. Sundberg has not taken the position of criminalizing homelessness.

Council Member Coombs pointed out that was exactly what a camping ban did.

Mayor Pro Tem Bergan stated those words did not come out of Mr. Sundberg's mouth when he was interviewed.

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Council Member Coombs stated either he supported criminalizing poverty, or he did not understand the result of a camping ban.

Mayor Pro Tem Bergan clarified Mr. Sundberg's position was he would only support the camping ban if an alternative solution was provided which she noted was quite different.

Council Member Coombs addressed Mayor Coffman and asked if the camping ban he put forward removed the qualifications and requirements around whether people needed to be creating a public nuisance or health issue. Mayor Coffman stated a newer version would be coming out that did not criminalize homelessness.

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

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

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

Council Member Marcano stated he would like to hear from his colleagues as to why they could not support Dr. Ross after hearing he was a highly qualified, excellent candidate because he felt the public deserved to know.

Council Member Coombs reiterated Dr. Ross said in his statement that he did not support camping bans and supported a City that was committed to the philosophy that everyone mattered and had a right to live with dignity especially the most disenfranchised. She stated she wanted to know why her colleagues did not share that value.

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 fill the Ward II Council vacancy.

Council Member Marcano reiterated the vote was clearly not a ballot between two people but rather whether Council supported Dr. Ross. He asked his colleagues to speak to why they did not because he felt the people of Aurora deserved to know.

Mayor Pro Tem Bergan stated she did not understand why her colleagues continued to ask those supporting Mr. Sundberg why they did not support Dr. Ross when they have clearly stated why they were supporting Mr. Sundberg. She addressed Council Members Marcano and Coombs and stated it was as though they were harassing those who supported Mr. Sundberg.

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Council Member Marcano stated it was because those were two different things. He noted those supporting Dr. Ross have stated why they supported him and why they in turn did not support Mr. Sundberg and they felt those supporting Mr. Sundberg should do the same.

Mayor Pro Tem Bergan stated she supported Mr. Sundberg because she felt he was better qualified.

Council Member Coombs pointed out people who expressed support for both candidates could have voted affirmatively on either motion and then the issue would have been settled. She noted she personally could not support both candidates for the reasons she stated previously related to policy implications for appointing Mr. Sundberg. She noted those stating Dr. Ross was great while only supporting Mr. Sundberg clearly did not think Dr. Ross was great. She asked those supporting Mr. Sundberg to state what policy implications there were that prevented them from supporting Dr. Ross' appointment

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

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

Council Member Marcano clarified he was receiving messages from his constituents asking why the At-Large council members were not answering the question. He stated his plan to continue asking the question.

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

Council Member Coombs asked if those not supporting Dr. Ross were doing so because he would not support the camping ban and if not, then would they please state that because it appeared to be one of the clear differences that came out in the interview. She acknowledged no one answered verbally but she saw Mayor Pro Tem Bergan shake her head in the negative that the camping ban was not the issue, but the criminalization of homelessness was a driving reason of this Council for not supporting Dr. Ross. She stated she would take their silence as an agreement.

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

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

Council Member Marcano addressed Council Members Gardner and Gruber and asked them to share why they were in opposition to appointing Dr. Ross.

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

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

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

Council Member Marcano asked Council Members Gardner and Gruber to share why they were in opposition to appointing Dr. Ross.

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

Council Member Coombs referenced the set of values provided by Dr. Ross which were aligned with the values and vision supported by the outgoing council member who was duly elected to a four-year term. She stated the voters voted for former Council Member Johnston's service, vision, and values as their representation for four years. She asked why there were those on Council who could not support her vision for the remainder of her term when doing so respected the choice of the voters at that time. She stated there were those who would rather overturn the voters' values and vote to create a majority for themselves on Council.

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 fill the Ward II Council vacancy.

Council Member Marcano asked his At-Large colleagues for justification on why they were voting as they were.

Council Member Lawson discussed Dr. Ross' extensive expertise and business experience and stated that should not be overlooked or diminished because he did not have employees.

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

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

Council Member Marcano asked his At-Large colleagues if they were opposed to building equitable small business enterprises or providing mentorship for youth as those were two issues that were exceptionally relevant to the City currently and he would like to hear their rationale against them.

Council Member Coombs asked any of her five colleagues not supporting Dr. Ross to state their thoughts about a City committed to a philosophy that everyone mattered and had a right to live with dignity especially the most disenfranchised. She asked if that was something they valued or had ideas about or did they instead feel Dr. Ross would not share those values.

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

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Council Member Coombs stated the motion was apparently an answer to her question that her colleagues did not have ideas, but that Dr. Ross would not share them even though he was a great guy.

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

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

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

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

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

Council Member Coombs stated Council thought Dr. Ross was a qualified individual and a good guy who brought a lot to Council except Mayor Coffman who thought he did not have the right business experience. She asked what Council needed to do to not violate the Charter and not leave Ward II without representation before the midnight deadline. Council Member Gruber stated that could be accomplished by Council's recognition that Mr. Sundberg was the better candidate and vote for him. He expressed appreciation for the continued questions. Council Member Coombs stated she has made her reasons why she cannot support Mr. Sundberg clear. She stated it was due to policy implications and she suggested it would be helpful if others provided similar justification for why they were not voting for Dr. Ross.

Council Member Marcano concurred. He stated refusal to share rationale with others reeked of obstructionism and Naked Partisanship.

Council Member Coombs asked what would happen at midnight if the Council failed to make an appointment. Mr. Brotzman stated they would be in technical violation of the Charter.

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

Council Member Coombs asked if there were two great candidates on both sides or not or were some just not willing to acknowledge they would not support someone, or they did not share their values.

Mayor Pro Tem Bergan addressed Council Member Coombs and pointed out she would not come over to Mr. Sundberg and yet she was not respecting other's personal choice. She stated they had the right to that choice and pointed out that was bullying, and she asked that they stop.

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Council Member Coombs stated she has given her reasons why she could not support Mr. Sundberg and wanted to understand what about Dr. Ross' values were objectionable from those who did not support him.

Mayor Pro Tem Bergan stated her belief that Mr. Sundberg shared similar qualities. She discussed his diversity, small business ownership, meetings with police and the community, NAACP-Aurora, and philanthropic and community endeavors. She stated he was a good person with good character and that was why she supported him.

Council Member Marcano addressed Mayor Pro Tem Bergan and stated he understood why she supported Mr. Sundberg and noted he wanted to know why she did not support Dr. Ross. He stated he took offense at her allegations of bullying because his constituents were not bullies and they were asking for the same transparency from her that they asked from him.

Mayor Pro Tem Bergan addressed Council Member Marcano and stated she was not talking about his constituents but noted at the same time, she has received several emails from constituents asking that they be allowed to choose. She stated her understanding Council would violate the Charter by not voting to appoint but she pointed out they should not be forced to change their vote for who they believed in.

Council Member Lawson addressed Mayor Pro Tem Bergan and stated a person married to a person of a different race did not make them diverse. She stated society often assumed that a person who was with a person of different color celebrated diversity and she took offense at Mayor Pro Tem Bergan's similar assertion. She stated she understood that was the Mayor Pro Tem's opinion, but she felt differently, and she suggested Mayor Pro Tem Bergan look further into Mr. Sundberg's opinions on diversity.

Mayor Pro Tem Bergan agreed that just because a person was with a person of color did not mean they celebrated diversity, but she believed Mr. Sundberg has stated he did. She noted he has stated he was proud of the City of Aurora as one of the most diverse cities in the nation.

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 fill the Ward II Council vacancy.

Council Member Murillo stated to underscore the previous discussion on diversity, Council had the opportunity to appoint a black man with the lived experience as a person of color as opposed to someone who might empathize because he was married to a person of color. She agreed there was no substitute as one could not state they understood that lived experience simply because they had a friend who was a person of color. She stated it has been made clear that Dr. Ross was qualified

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for many reasons and not just because he was a black man, but that was important to consider when discussing the composition and diversity of lived experience.

Mayor Coffman asked if biracial children would give Mr. Sundberg an understanding. Council Member Murillo addressed Mayor Coffman and stated he could not state that Mr. Sundberg understood the experience of a black man because he had biracial children, noting she would trust the black man to know more than anyone else. Mayor Coffman addressed Council Member Murillo and asked if she thought Mr. Sundberg had an understanding. Council Member Murillo stated Mayor Coffman stated a black man did not know what it was like to be a black man and have that lived experience. Mayor Coffman clarified he did not state that, noting he asked if Mr. Sundberg might understand the lived experience because he had biracial children.

Council Member Murillo addressed Mayor Coffman and stated her disappointment that he would attempt to work that angle because it was clear what was stated and what was not stated and noted it was shameful.

Council Member Lawson referenced the candidate interviews and noted it was interesting that Mr. Sundberg stated he believed in diversity but did not believe in the need for an equity plan whereas Dr. Ross did.

Council Member Coombs expressed appreciation to Council Member Lawson for bringing that to Council's attention. She pointed out Dr. Ross was a professional in this area and therefore she trusted his opinion regarding the need for an equity plan. She noted there were not any doctors on the Council and suggested perhaps one was needed.

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

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

Mayor Coffman called for a brief recess of Council.

Council Member Coombs recognized Council Member Lawson was only lacking her dissertation to become a doctor and then Council would have a seated doctor. She noted that did not negate the fact that Council could use a doctor currently on Council.

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

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Council Member Coombs stated perhaps everything has already been stated but she felt it was important to highlight Dr. Ross' work on the Community Police Task Force.

Council Member Marcano concurred, and stated he recently asked Dr. Ross to reconsider running but he stated he would not, but confirmed he was willing to serve out the remainder of the Ward II term. He stated Council would be blessed to have Dr. Ross on Council and someone of his skills would be beneficial in bridging the gap that was clear.

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

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

Council Member Marcano stated his hope the residents of Aurora understood what was happening in this instance. He stated his colleagues were being obstructionist because they refused to vote for someone who they acknowledged was a good candidate; who represented the values Ward II voted for in 2017; who was supported by the person who was duly elected to the seat prior to vacating it, and who was wildly qualified and dedicated to serving the City without any personal interest in the next election. He stated his colleagues could choose to support him to ensure Ward II had representation, but they would not, and the kicker was they would not state why. He stated it was shameful and noted Council could do better.

Council Member Coombs pointed out another relevant point that came up previously and also tonight via constituent emails, which was the idea of letting the voters decide. She clarified the legal opinion was that allowing the voters to decide on the vacancy at this time was not allowed because Council was not empowered to hold a special election according to their Charter. She noted the voters would ultimately decide in November and suggested if there was confidence that Mr. Sundberg was who Ward II wanted then the voters could decide then but, in the meantime, Council could support someone who would fill the vacancy rather than overturning the will of the 2017 voters and influencing the outcome for the 2021 voters.

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

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

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

Council Member Coombs stated the Council would violate the Charter at midnight and pointed out the best way to not violate the Charter was to appoint Dr. Ross.

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

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

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

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

Council Member Marcano stated he would like to hear a rationale for those who have not yet spoken up about why they would not support Dr. Ross despite opining previously on what a good candidate he was.

Council Member Murillo noted those supporting Dr. Ross have highlighted many reasons why he was the most qualified candidate, why they supported him for the vacancy and why those who were voting against Dr. Ross were voting for someone who was actively running to fill the seat in November. She believed to preserve a healthy democracy; Council needed to fill the seat with someone whose values aligned with the values voters voted for in 2017 which Dr. Ross did. She noted Council was running out of time to appoint someone and not violate the Charter and she expressed her hope Council would appoint Dr. Ross.

Council Member Coombs reminded everyone of Dr. Ross' statement about service. She stated she found it inspiring and expressed her hope that her colleagues would also.

Council Member Marcano pointed out Council could use someone who inspired hope and whose charitable and professional background was needed and lacking on Council currently. He expressed his wish that his colleagues would do the right thing.

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

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

Council Member Marcano asked those on Council who supported the delay to get the legal question answered and were still walking Council into a Charter violation why they did not change their minds and if perhaps the opinion was a stall tactic after all.

Council Member Coombs stated she found it disappointing that by choosing to violate the Charter, Council was modeling that it was okay to exempt themselves from the rules that they expected others to live by.

Mayor Coffman addressed Council Member Coombs and pointed out it was odd that she would state that those who did not support Dr. Ross were wrong in supporting Mr. Sundberg and those who did support Dr. Ross were somehow right. He suggested both sides ought to respect each other in the process.

Council Member Gardner pointed out he was not being silent but rather felt everything that could be stated has been stated and the reasoning behind their support of each candidate on both sides has been well documented at this point.

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

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

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

Council Member Marcano stated he would respect the nay vote decisions if there were justifications as to why people would not support Dr. Ross when it has been determined and agreed upon that he was an excellent candidate. He addressed Mayor Coffman and stated it was crass and dishonest to state both sides had equal footing in this instance when the reality was voters voted in 2017 for a person with a certain set of values and Council was tasked with filling the 2017 vacancy and not the 2021 one.

Mayor Coffman addressed Council Member Marcano and asked where the requirement in law to appoint someone who reflected 2017 values could be found. Council Member Marcano stated it was not a requirement. Mayor Coffman concurred.

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

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

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

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

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

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

Council Member Gardner noted it was shameful of those on Council who would goad others into criticizing an applicant at the expense of the other for political reasons. He stated doing so was in poor taste. He stated everyone had their reasons for who they supported, and he respected each person's decision.

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

Council Member Coombs clarified the intent was not to goad people into speaking poorly of anyone but rather for people to justify whether they could support the vision Dr. Ross laid out. She stated her reasons for not supporting Mr. Sundberg related to policy and vision as she did not have a problem with Mr. Sundberg as a person. She stated she was concerned the question has not been answered because

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she believed the public deserved to know who supported Dr. Ross' vision and who did not.

Council Member Gardner stated the question asked was why someone would not vote for a candidate, and he felt that question had negative connotations because it asked why someone was against something. He stated his preference was to discuss why he supported something instead.

Council Member Marcano pointed out constituents were asking the question and he believed they deserved to know the justifications just as they asked him why he voted the way he did which he disclosed. He stated it did not set Council up to be negative but rather to have a full exchange of ideas and rationale which he felt was a level of transparency owed to their constituents.

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

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

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

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 fill the Ward II Council vacancy.

Council Member Coombs reiterated Dr. Ross laid out a great and thoughtful vision that was consistent with what was voted for in 2017 by those who lived in Ward II at that time. She noted the purpose of filling a vacancy was filling the four-year term so being consistent in that regard was respecting the will of the voters.

Council Member Murillo stated Dr. Ross should be appointed to the vacancy because he was qualified for many reasons and additionally was not running in November so Council would not be giving a candidate an unfair advantage in the next election. She stated this would allow the situation to play out as it should without being influenced by the current sitting Council. She stated Dr. Ross represented the values of the voters of Ward II and noted he had the experience to work with everyone on Council across party lines.

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 fill the Ward II Council vacancy.

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Council Member Coombs asked Council to move toward not violating the Charter by appointing a thoughtful engaged member of the community.

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

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

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

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

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

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

Council Member Coombs stated she was personally inspired and encouraged by Dr. Ross and the idea of having someone like him on Council gave her hope so if anyone wanted to add their vote to Dr. Ross then Council could have an excellent next five months before the next Council was sworn in.

Council Member Marcano echoed Council Member Coombs' comment, noting Council should respect the will of the voters from 2017 and do their due diligence by appointing someone who closely represented the values they voted for.

Council Member Murillo referenced the Ward II vacancy interviews and noted her appreciation for Dr. Ross' thorough answer to the camping ban question. She noted she did not agree with everything he said but she respected that he was willing to make a thoughtful, empathetic answer regarding how people experiencing homelessness should be treated. She discussed Dr. Ross' vision and support of an Equity Plan and she believed he had subject matter expertise in that regard. She stated he put forth concrete policy related to his vision and that, in her mind, was accountability to the community and the voters. She supported Dr. Ross for the Ward II vacancy and noted doing so would not cause Council to meddle with the upcoming November election.

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

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

Council Member Gruber noted it was past midnight which meant Council was in technical violation of the Charter and therefore had two choices which were to remain in violation until the November election or modify their vote. He asked which was more important.

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

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

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

Motion by Coombs, second by Lawson, to appoint Dr. Ryan Ross to fill 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 has demonstrated in two votes, one for each of the two candidates for the vacancy, that supporting a candidate was more important to each council member than violating the Charter. He stated Council has truly demonstrated they are at an impasse in this regard.

Motion by Gruber, second by Berzins, to table item 19a indefinitely.

Council Member Berzins stated Council voted 200 times.

Council Member Marcano reiterated this was not an equal situation but rather was an attempted coup by a portion of a specific ideology of Council to put someone in a position to make decisions that went against what people voted for in 2017. He stated it was autocratic, undemocratic, and shameful. He agreed Council was at an impasse and it was clear there were those on Council who valued power over the Constitution.

Mayor Pro Tem Bergan noted several on Council have discussed the will of the voters and she pointed out there were different voters today than in 2017 and Council did not know the will of the voters, but they would in November. She stated no one was going to change their minds and no one should have to if they were voting on their principles.

Council Member Coombs stated her hope that Council would not find themselves at this point. She stated it was disappointing that they did not respect the will of the voters from 2017 and that they were leaving Ward II without equal representation. She noted the electorate of 2021 was not the question but rather filling a vacancy for a seat that was elected in 2017 was. She pointed out the current composition of Council when former Council Member Johnston was present was that most recently decided by the voters. She stated leaving a seat vacant undermined the voters' decisions and it created a more divided Council. She stated Council made that decision and she was not happy about it. She apologized to the voters of Ward II that they were left without equal representation.

Council Member Marcano agreed the demographics of Ward II have changed over the last four years and he shared those changes.

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Council Member Murillo stated to contextualize how Council got to today; it was an active power grab to change the Council composition which was made clear by campaigning folks wanting to influence the November election which was a separate process. She stated she could not support someone who she did not share values with, whose policies would be detrimental to the City and who was running in the 2021 November election because it was not okay with her to provide him with an unearned advantage in the election. She stated many reasons were already stated related to why Dr. Ross was the most qualified candidate for the role. She further discussed Dr. Ross' qualifications and expertise that would move the City forward. She stated she was disappointed they were unable to appoint someone who was duly qualified and who brought a different lived experience to Council.

Council Member Berzins expressed appreciation to those on Council who gave their opinion and pointed out it was only their opinion. She noted much of Council was lectured to and those who remained quiet throughout the meeting did so out of respect for others' opinions. She noted everyone had different opinions and everyone chose who they preferred to fill the seat. She stated there was unfortunately a five-five split and those who chose to lecture were entitled to do so and she was one who chose not to. She stated it was her experience that no one who was unable to fulfill their four-year term on Council chose their predecessor, noting that was always Council's job to do so and Council has never been told who to support or vote for until now. She noted former Council Member Johnston changed parties from the one she ran with in 2017 and wondered if council members knowing that ahead of time might have made a difference. She expressed appreciation to City staff for their efforts in this regard and to Council for sticking through four nights and 200 votes on the issue.

Council Member Coombs addressed Council Member Berzins and confirmed she was aware former Council Member Johnston changed her party affiliation. She stated knowing that did not however change her support of Dr. Ross because her support related to his values, vision, and policies and not his political affiliation.

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

Voting Nay: Hiltz, Lawson

4. **ADJOURNMENT**

Mayor Coffman adjourned the regular meeting of City Council at 12:19 a.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.*