

APPROVED

MINUTES

**Regular Meeting – Aurora City Council
Monday, November 2, 2020**

CALL TO ORDER – REGULAR MEETING

Mayor Coffman convened the regular meeting of City Council at 5:15 p.m.

ROLL CALL

PRESIDING: Mayor Coffman

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

COUNCIL MEMBERS ABSENT: Lawson

OFFICIALS PRESENT: City Manager Twombly, City Attorney Brotzman, City Clerk Barkman

COUNCIL MEMBERS ARRIVING AFTER ROLL CALL: None

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

Abstaining: None

1. RECONVENE REGULAR MEETING OF NOVEMBER 2, 2020 AND CALL TO ORDER

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

2. ROLL CALL Susan Barkman, Interim City Clerk

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

3. INVOCATION Mayor Coffman called for a moment of silence for those who have lost their lives due to COVID-19.

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

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

No minutes were available for review.

6. CEREMONY

♦ *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.*

No ceremony.

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

Susan Barkman, Interim City Clerk, stated members of the public who wished to speak as a part of the Public Invited to Be Heard or for a specific agenda item on the regular agenda should call the live public comment line at 855-695-3475 and press *3 to reach the operator who would place them in the queue. She stated those calling prior to the meeting starting would be placed for non-agenda items and at the first Public Invited to Be Heard and those callers calling for Public Invited to Be Heard after 7:30 p.m. would be placed in Public Invited to be Heard at the end of the meeting. She stated those callers wishing to speak on an agenda item may do so and only need to call in before the Clerk reads the title of the item and no additional calls for that item would be accepted once the title has been read. She confirmed the website problem was identified and corrected and she introduced the speakers.

Council Member Gardner asked if the time period under which people could call in had been extended because he had several constituents that wanted to speak on agenda specific items who went to the public website where it was listed incorrectly.

Mayor Coffman asked staff if the time could be adjusted. Ms. Barkman answered affirmatively. Mayor Coffman asked if there was any objection to extending the time and hearing none, asked staff to do so. Ms. Barkman asked for clarification of what time it should be extended to, noting the calls were typically taken until the item was called.

Mayor Pro Tem Johnston stated the 7:30 p.m. cutoff time was for non-agenda items, but agenda item speakers were allowed to call right up until that time on the agenda.

Council Member Gardner stated it was fine as long as it went until the item was called.

Council Member Gruber noted he was receiving texts from business owners who were having trouble accessing the queue after many attempts, noting these were speakers for specific items.

Mayor Coffman noted there was not any objection to extending the time so the time would be extended.

Council Member Bergan asked if the agenda or non-agenda time was being extended. Mayor Coffman stated agenda items. Council Member Bergan asked if comments would be allowed after the item was introduced. Mayor Coffman answered affirmatively.

Council Member Marcano asked if it was determined what agenda items the speakers wanted to speak to. Ms. Barkman stated currently it was for agenda item 13b.

8. **ADOPTION OF THE AGENDA**

Motion by Gruber, second by Coombs, to adopt the agenda.

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

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

◆ *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.*

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

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

9. **CONSENT CALENDAR**

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

- ◆ a. **Rectangular Rapid Flashing Beacons**
Consideration to AWARD A COMPETITIVELY BID CONTRACT to Gades Sales Co., Inc Thornton, Colorado in the amount of %50,677.00 for the purchase of twenty (20) Rectangular Rapid Flashing Beacons and Mounting Accessories. (B-4531)
Presenter: Campuzano, Carlie - Traffic Manager
Attorney: Lathers, David, Senior Asst City Attorney
- ◆ b. **Evoqua Water Technologies equipment, parts, and certified technical services**
Consideration to AWARD A SINGLE SOURCE CONTRACT to Municipal Treatment Equipment Inc., Golden, Colorado in the not-to-exceed amount of \$90,200.00 for Evoqua Water Technologies equipment, parts, and certified technical services for the annual upkeep of chlorine, chlorine dioxide, and ammonia systems at the Griswold, Wemlinger, and Binney Water Purification Facilities as from December 1, 2020 through November 30, 2021.
Presenter: Bobby Oligo - Manager of Water Treatment
Attorney: David Lathers - Senior Assistant City Attorney
- ◆ c. **Annual Maintenance Desktop PC security infrastructure**
Consideration to AWARD A SINGLE SOURCE CONTRACT to LogRhythm Inc., Boulder, CO in the amount of \$103,842.06 for annual maintenance required on the desktop PC security infrastructure through November 2023.
Presenter: Scott Newman, Chief Information Officer
Attorney: David Lathers, Sr. Assistant City Attorney
- ◆ d. **State of Colorado Police Accident Form Software**
Consideration to AWARD A SOLE SOURCE CONTRACT to Versaterm Systems, Scottsdale, Arizona in the amount of \$89,166.00 to install software on the Police Information Management System for the State of Colorado Accident Form.
Presenter: Ratcliff, Michelle, SR Procurement Agent
Attorney: David Lathers, Sr. Assistant City Attorney

Motion by Gruber, second by Berzins, to approve items 9a – 9d.

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

10. **RESOLUTIONS**

- ◆ a. **Aurora-Denver Youth Empowerment Compact**
R2020-116 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND THE PITKIN
Presenter: Jason Batchelor, Deputy City Manager
Attorney: Nancy Rodgers, Deputy City Attorney

Motion by Lawson, second by Marcano, to approve item 10a.

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

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

◆ b. **Aurora and Pitkin County IGA & BOR MOU**

R2020-115 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S STRONG SUPPORT OF THE AURORA/DENVER YOUTH EMPOWERMENT COMPACT COUNTY BOARD OF COMMISSIONERS FOR STORAGE IN REUDI RESERVOIR.

Presenter: Alexandra Davis, Deputy Director Water Resource

Attorney: Christine McKenney, Assistant City Attorney

Motion by Berzins, second by Coombs, to approve item 10b.

Alexandra Davis, Deputy Director Water Resource, provided a brief summary of the item.

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

◆ c. **Police Pension Plan Contributions**

R2020-117 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING A CONTINUATION OF THE INCREASE IN CONTRIBUTIONS BY THE CITY AND THE EMPLOYEES TO THE AURORA POLICE PENSION PLAN.

Presenter: Velasquez, Terri - Director of Finance

Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil

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

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

Terri Velasquez, Director of Finance, did so.

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

Susan Barkman, Interim City Clerk, made an announcement related to the public speaker call-in queue instructions.

Mayor Pro Tem Johnston requested the announcement be made throughout the meeting.

Mayor Coffman concurred.

◆ d. **IGA with RTD Regarding Pilot Wayfinding System**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND THE REGIONAL TRANSPORTATION DISTRICT WAYFINDING SYSTEM LOCAL AGENCY CONTRIBUTION.

Presenter: Worker-Braddock, Tom - Senior Planner

Attorney: Gardner, Michelle, Senior Asst City Attorney

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

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

- ◆ e.1 **RFP Resolutions for Homeless Services
Emergency Solutions Grant ESG (Regular) Mile High Behavioral Healthcare and Comitis Crisis Center, Inc. Subrecipient Agreement Emergency Shelter R2020-118** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR MILE HIGH BEHAVIORAL HEALTH, LLC. DBA COMITIS CRISIS CENTER, INC EMERGENCY SERVICES GRANT.
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.2 **Funding Agreement between The City of Aurora, Colorado R2020-119** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR AURORA WARMS THE NIGHT, INC., AND JESUS ON COLFAX MINISTRIES MARIJUANA SALES TAX FUND GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.3 **Funding Agreement between The City of Aurora, Colorado and Aurora Comprehensive Community R2020-120** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICE'S RFP REVIEW COMMITTEE'S GRANT RECOMMENDATION FOR AURORA COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTER, INC.'S HOMELESSNESS PREVENTION PROGRAM.
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.4 **Emergency Solutions Grant ESG (Regular)- East Metro Detox and Recovery Services (AuMHC) Subrecipient Agreement Emergency Shelter R2020-121** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE HOMELESS SERVICES RFP 2020 FUNDING RECOMMENDATION FOR AURORA COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTER INC.'S EMERGENCY SERVICES GRANT.
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.5 **Emergency Solutions Grant ESG-CV Mile High Behavioral Healthcare and Comitis Crisis Center Subrecipient Agreement Emergency Shelter R2020-122** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR MILE HIGH
- ◆ *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.*

BEHAVIORAL HEALTH MILE HIGH BEHAVIORAL HEALTH, LLC. DBA COMITIS CRISIS CENTER, INC. GENERAL FUNDS GRANT

Presenter: Jessica Prosser, Manager of Community Development

Attorney: Tim Joyce, Assistant City Attorney II

- ◆ e.6 **Emergency Solutions Grant ESG-CV Mile High Behavioral Healthcare Inc., Subrecipient Agreement Street Outreach Program**
R2020-123 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR MILE HIGH BEHAVIORAL HEALTH, LLC. STREET OUTREACH PROGRAM CARES EMERGENCY SOLUTIONS GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.7 **Emergency Solutions Grant ESG-CV Mile High Behavioral Healthcare, Aurora Day Resource Center Subrecipient Agreement Aurora Day Resource Center for Homeless**
2020-55 R2020-124 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR MILE HIGH BEHAVIORAL HEALTH LLC., DBA AURORA DAY RESOURCE CENTER CARES EMERGENCY SERVICES GRANT.
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.8 **Emergency Solutions Grant ESG-CV Housing Authority of the City of Aurora**
R2020-125 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR HOUSING AUTHORITY OF THE CITY OF AURORA, DBA AURORA HOUSING AUTHORITY'S AURORA@HOME CARES EMERGENCY SERVICES GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.9 **Funding Agreement between The City of Aurora, Colorado, and Mile High Behavioral Healthcare LLC to Operate Comititis Crisis Center, INC.**
R2020-126 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR MILE HIGH BEHAVIORAL HEALTH, LLC. DBA COMITIS CRISIS CENTER, INC. GENERAL FUNDS GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.10 **Aurora Mental Health PATH Program Street Outreach Program**
R2020-128 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR AURORA COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTER, INC.'S HOMELESSNESS PREVENTION PROGRAM.
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II

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- ◆ e.11 **Funding Agreement between The City of Aurora, Colorado and Bridge House for Ready to Work Aurora**
R2020-129 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR BRIDGE HOUSE FOR READY TO WORK AURORA MARIJUANA SALES TAX FUND GRANT.
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.12 **Funding Agreement between the City of Aurora, Colorado and Gateway Domestic Violence Services DBA Aurora/Arapahoe Battered Women's Shelter, Inc.**
R2020-130 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR GATEWAY DOMESTIC VIOLENCE SERVICES DBA AURORA/ARAPAHOE BATTERED WOMEN'S SHELTER, INC MARIJUANA SALES TAX FUND GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.13 **Funding Agreement between the City of Aurora, Colorado, and Mile High Behavioral Healthcare, LLC to Operate Colfax Community Network, INC.**
R2020-131 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR MILE HIGH BEHAVIORAL HEALTH LLC., DBA CCOLFAX COMMUNITY NETWORK, INC. MARIJUANA SALES TAX FUND GRANT.
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.14 **Funding Agreement between the City of Aurora, Colorado, and Mile High Behavioral Healthcare, LLC to Operate The Street Outreach Program**
R2020-132 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR MILE HIGH BEHAVIORAL HEALTH, LLC. STREET OUTREACH PROGRAM CARES EMERGENCY SOLUTIONS GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.15 **Funding Agreement between The City of Aurora, Colorado and Second Chance Center for the Providence at the Heights Apartments**
R2020-133 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR SECOND CHANCE CENTER INC. FOR THE PROVIDENCE AT THE HEIGHTS APARTMENTS MARIJUANA SALES TAX FUND GRANT.
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.16 **Funding Agreement between The City of Aurora Colorado and The Housing Authority of the City of Aurora**
R2020-134 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020
- ◆ *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.*

HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR HOUSING AUTHORITY FOR THE CITY OF AURORA DBA AURORA HOUSING AUTHORITY'S AURORA@HOME MARIJUANA SALES TAX FUND GRANT

Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II

- ◆ e.17 **Emergency Solutions Grant ESG (Regular) Gateway Domestic Violence Services Subrecipient Agreement Emergency Shelter**
R2020-135 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR GATEWAY DOMESTIC VIOLENCE SERVICES DBA AURORA/ARAPAHOE BATTERED WOMEN'S SHELTER, INC. EMERGENCY SERVICES GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.18 **Emergency Solutions Grant ESG-CV – Gateway Domestic Violence Services Subrecipient Agreement Emergency Shelter**
R2020-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR GATEWAY DOMESTIC VIOLENCE SERVICES DBA AURORA/ARAPAHOE BATTERED WOMEN'S SHELTER, INC. EMERGENCY SERVICES GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.19 **Home Tenant Based Rental Assistance Investment Partnerships Program- Housing Authority of the City of Aurora, Aurora @ Home Project Subrecipient Agreement – Rapid Re-Housing/Homelessness Prevention**
R2020-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR HOUSING AUTHORITY OF THE CITY OF AURORA, DBA AURORA HOUSING AUTHORITY'S AURORA@HOME HOME TENANT BASED RENTAL ASSISTANCE GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.20 **Second Chance Center, INC., Subrecipient Agreement Homeless Resource Center**
R2020-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR SECOND CHANCE CENTER INC., FOR THE PROVIDENCE AT THE HEIGHTS APARTMENTS CARES EMERGENCY SERVICES GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II
- ◆ e.21 **The Salvation Army, Aurora Corps Subrecipient Agreement, Rapid Re-Housing/ Homelessness Prevention**
R2020-139 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR THE SALVATION ARMY, AURORA CORPS. CARES EMERGENCY SERVICES GRANT

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Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II

- ◆ e.22 **The Salvation Army, Aurora Corps Subrecipient Agreement Rapid Re-Housing/Homelessness Prevention**
R2020-140 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR THE SALVATION ARMY, AURORA CORPS. EMERGENCY SERVICES GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II

- ◆ e.23 **Funding Agreement between The City of Aurora, Colorado and Mosaic Church of Aurora, for the Dayton Street Outreach Center, LLC**
R2020-141 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR MOSAIC CHURCH OF AURORA DBA DAYTON STREET OPPORTUNITY CENTER, LLC. MARIJUANA SALES TAX FUND GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II

- ◆ e.24 **Funding Agreement between The City of Aurora, Colorado and Mosaic Church of Aurora for Rental Assistance**
R2020-142 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE 2020 HOMELESS SERVICES RFP REVIEW COMMITTEE RECOMMENDATION FOR MOSAIC CHURCH OF AURORA RENTAL ASSISTANCE MARIJUANA SALES TAX FUND GRANT
Presenter: Jessica Prosser, Manager of Community Development
Attorney: Tim Joyce, Assistant City Attorney II

Motion by Johnston, second by Hiltz, to approve items 10e1 - 24.

Council Member Bergan noted the cost for these items was \$3.8M, which was a lot of money and asked if budgets were available for each of the organizations.

Jessica Prosser, Manager of Community Development, explained some of the budgets were not specific to the exact type of activity, but confirmed there was a total amount that would be allowable for that organization that should be on that budget and not-to-exceed amount.

Council Member Bergan stated she did not feel this was a good process of due diligence because there was not any backup on what was being spent on what, which was tantamount to giving away a blank check. She stated she would support the item but reiterated it was not a good process.

Mayor Pro Tem Johnston asked if this was a case where that information was provided as a part of the scoring in the rating system and this was just an overview. Ms. Prosser answered affirmatively, and further discussed the application process. She pointed out this was a new process and staff would take these adjustments into consideration moving forward.

Council Member Bergan stated she requested copies of the budgets and was not given them. She stated she was attempting to do her due diligence.

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Council Member Gruber requested an overview of the process and money breakdown. Ms. Prosser did so, noting this was a compilation of funding agreements for the next year 2021.

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

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

None

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

13. **INTRODUCTION OF ORDINANCES**

- ◆ a. **Funding Overview and Proposal**
2020-60 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 50-37 OF THE CITY CODE OF THE CITY OF AURORA COLORADO, RELATING TO MUNICIPAL COURT SURCHARGES, PROVIDING FUNDING COMMUNITY SERVICE AGENCIES AND PROGRAMS, AND OTHER RELATED MATTERS.
Presenter: Jason Batchelor, Deputy City Manager
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil

Motion by Lawson, second by Coombs, to introduce item 13a.

Council Member Bergan requested staff provide a brief presentation on the item for the benefit of the public.

Jason Batchelor, Deputy City Manager, did so.

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

- ◆ b. **Proposed Ordinance to Amend the Executive Retirement Plan**
2020-61 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA AMENDING CHAPTER 102 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, RELATING TO THE MONEY PURCHASE PLAN FOR EXECUTIVE PERSONNEL
Presenter: Velasquez, Terri - Director of Finance
Attorney: Hernandez Perez, Hans, Assistant City Attorney II Civil

Motion by Grube, second by Johnston, to introduce item 13b.

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

- c. **56th Avenue Right-of-Way Vacation**
2020-62 INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO VACATING THREE SECTIONS OF THE PUBLIC RIGHT-OF-WAY FOR EAST 56YTH AVENUE, LOCATED BETWEEN THE TIBET ROAD AND HARVEST ROAD ALIGNMENTS, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO (56TH AVENUE ROW VACATIONS)
Presenter: Bickmire, Deborah - Senior Planner
Attorney: Money, Daniel, Senior Asst City Attorney

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Motion by Johnston, second by Gruber, to introduce item 13c.

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

- ◆ d. **Minimum Wage Ordinance**
2020-63 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ENACTING A NEW CHAPTER OF THE CITY CODE PERTAINING TO ESTABLISHING A MINIMUM WAGE IN AURORA ABOVE THE STATE MINIMUM WAGE AND PROVIDING REMEDIES FOR VIOLATIONS
Sponsor: Council Member Coombs
Attorney: Rachel Allen, City Attorney's Office

Council Member Coombs noted callers were being dropped out of the queue.

ORIGINAL MOTION

Motion by Coombs, second by Marcano, to introduce item 13d.

Susan Barkman, Interim City Clerk, restated the public speaker call-in instructions.

Council Member Gardner asked staff to speak to the screening process. Ms. Barkman did so.

Council Member Bergan asked if others were moving forward in the queue as other callers were being heard. Ms. Barkman answered affirmatively. She introduced the callers in the queue.

Council Member Marcano suggested Council move forward on the agenda until the call-in issue could be addressed.

Mayor Coffman asked if there was an objection to doing so.

Council Member Gruber disagreed with having debate on an item without hearing public comment as that was a large part of Council transparency.

Council Member Marcano clarified he requested Council move forward on the agenda and then return to the item once the technical issues were addressed.

Ms. Barkman stated the issues were resolved.

Lisa Horton, Records Manager, introduced the callers in the queue.

Mayor Coffman called for a seven-minute recess.

COUNCIL TOOK A BRIEF RECESS

Ms. Horton continued to introduce callers in the queue.

Council Member Coombs clarified this item did not make the minimum wage \$17 in 2021 but rather increased it by \$.60 in 2021, which was \$.28 more than the statewide increase that was already planned. She pointed out the gradual increase allowed businesses to adjust. She addressed the topic of Medicaid reimbursement rates and clarified the item included funds for nursing homes subject to appropriation as well as a requirement that the Colorado Department of

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Public Health and Environment (CDPHE) Director provide a yearly report based on how many municipalities have increased their local wage and provide recommendations with respect to increasing those Medicaid provider rates. She addressed comments related to businesses going to Denver and pointed out Denver had a higher minimum wage than Aurora. She pointed out other changes besides going down to \$17 from \$20, which were a lower number for cost of enforcement that could be reviewed in the initial year, a program manager and a part-time support staff for the purpose of determining the structure and dealing with complaints and lastly, directing the department to put small businesses in touch with resources.

Council Member Gardner mentioned there continued to be those in the queue who have not been called on.

Mayor Pro Tem Johnston requested staff repeat the public call-in information and that Council then take a five-minute break so staff could catch up with callers.

Mayor Coffman concurred, and asked Ms. Barkman for an update on the status of the callers. Ms. Barkman stated all of the speakers in the queue for the item have spoken, noting it would be up to Council to hear additional public comments. Mayor Coffman asked if there was any objection to taking additional public comments and seeing none, called for a seven-minute break before hearing more callers.

Ms. Barkman repeated the public call-in number and instructions.

COUNCIL TOOK A BRIEF RECESS

Ms. Horton introduced speakers on the item.

Mayor Pro Tem Johnston asked staff if they were certain there was no one left in the queue. Ms. Barkman stated only those who wished to speak on other agenda items.

Council Member Bergan expressed appreciation to all those who called in to speak to Council. She addressed those who spoke in support of the item for the workers' sake and discussed her own experiences working minimum wage jobs. She stated she empathized with them, noting those jobs were usually a starting point. She pointed out minimum wage workers received a state-mandated raise of \$.90 in 2019, which made the rate \$11.10/hr. and then it was raised again in 2020 to \$12.00/hr., noting there were cost-of-living adjustments that went along with that every year. She noted restaurants and small retail stores in Aurora operated on a margin of less than five percent and they also incurred payroll, rent, utilities and other added costs. She noted there were comments that this was just for the wealthy who did not care about the poor, which was untrue. She pointed out there was a lot of testimony from business owners who were struggling to make it during the pandemic who were already struggling pre-pandemic with the state-mandated minimum wage increase. She noted in addition to all of those concerns; winter was coming and that would impact outdoor seating which would put restaurants in an even more precarious position. She stated the only remedies for these businesses were raising their revenue or cutting their costs. She pointed out the increase would create competition from other jurisdictions and she has heard business owners talk about relocating outside of Aurora because of it. She stated that was not what Council wanted. She confirmed they wanted to help workers but she did not feel this was the right solution. She suggested an alternative would be to look at improving economic development because that would bring good paying jobs and opportunity to the City. She noted the City could work with other counties job centers as well. She felt it was Council's responsibility to not lose jobs therefore she would not support the item.

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ALTERNATE MOTION

Motion by Mayor Coffman to delay a vote on item 13d until residents could testify in person.

Mayor Coffman discussed his reasoning behind the motion.

Council Member Bergan stated Council has heard from hundreds of speakers that this would be detrimental to businesses therefore it would not matter if the item was heard early next year. She pointed out businesses would still be suffering at that time and noted the City had a \$31M deficit as well. She asked how that would be made up when businesses were still not operating at their full profit. She stated she did not support the alternate motion.

Mayor Coffman's motion died for lack of a second.

Council Member Gardner noted staff provided an estimate needed for enforcement of approximately \$330k/yr. but Council Member Coombs decided only one Full Time Employee (FTE) was needed. He asked staff if they agreed with their original estimate of three staff members for a total of \$330k/yr.

Terri Velasquez, Director of Finance, answered affirmatively, noting the three FTEs were a minimum for the enforcement effort. She noted that did not include purchasing contract review so additional resources might be needed.

Council Member Gardner read out the costs to the City associated with the item, noting it was clear that the cost to the City would be significant. He noted Council has approved the 2021 budget and asked staff if an analysis on how that deficit would be made up has been done. Ms. Velasquez stated it would be reviewed to determine if either further expenditure reductions or revenue increases would be required because these would be ongoing costs.

Mayor Coffman stated his understanding that nursing homes were treated differently than home healthcare agencies as it related to Medicaid reimbursements and the minimum wage increase.

Council Member Coombs agreed that was how the bill was written and stated there was a specific nursing home fund but also a separate section that required the CDPHE Director to make recommendations for increased rates for home healthcare providers. She stated there were provisions in the item for both.

Mayor Coffman asked if it was just a suggestion since the City could not mandate CDPHE to take action. Council Member Coombs confirmed CDPHE was mandated to take action in the state bill that allowed this to happen.

Council Member Gruber expressed concerns that the ordinance was a done deal because Council Member Coombs worked with the Colorado's People Alliance in this regard and announced her intention to reintroduce the item on her social media where she stated she already had the votes for it to pass. He stated he had no reason to not take her at her word. He pointed out if that was the case then all of the speakers wasted their time as their voices were not heard. He stated the item could not have been approved in a less transparent manner. He stated none of the business community arguments were included in the backup material. He stated the City made a grave error in not representing Aurora's businesses in the read-ahead materials. He stated only a few of the council members knew the item was coming back as the Council was told it would not. He read an email aloud that was sent to a business group from Council Member Coombs regarding the decision to not move ahead with the minimum wage increase for the City of Aurora and the

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reasons why. He reiterated in detail the lack of transparency with the item, the item's negative impact on businesses and City finances and wage compression which multiplied the impact on businesses. He discussed third party lawsuits and their negative impact on organization's like the City of Aurora. He pointed out another issue was the fact that the companies involved in a third-party lawsuit could not be shared. He noted City Council has heard from a lot of businesses who expressed concerns that this item would pass in the middle of a pandemic and he discussed their reasoning and results. He discussed the impact the item would have on assisted living homes catering to elderly Medicare systems which would leave closing those homes and abandoning elderly citizens as the only way forward. He pointed out the only encouraging news he could provide related to the item was that the Council elected in 2019 could not bind the Council elected in 2021 or beyond so even though the item included a five-year increase, the current Council could only put in the increase for 2021. He pointed out the Council would vote on the Campaign Finance Reform ordinance which would make it illegal for businesses to contribute to council member campaigns. He noted doing so made it appear as though the majority of Council wanted to ensure they would not face the consequences from the business community who would be damaged by this poor decision.

Council Member Gardner noted there was a speaker in the queue.

Mayor Coffman asked staff to reopen the public comment line. Ms. Barkman agreed to do so and introduced the speaker.

Council Member Coombs stated there was another speaker in the queue. Ms. Barkman stated she would reach out to the caller and suggested Council continue the discussion and staff would attempt to wrap up any other calls prior to the vote.

Council Member Bergan noted as a point of order that while the public call-in system has been a mess and some people have not been able to speak, Council discussion had already started and it was not the right process to take more calls.

Council Member Coombs pointed out that was just done.

Council Member Bergan pointed out Council was in discussion and more people were making public comment.

Council Member Lawson stated her support for a minimum wage and stated she did not have the proposal in front of her when she spoke with Council Member Coombs recently. She stated she has learned things since that time that have caused her to have problems with the process such as the lack of discussions with the business community. She further discussed those concerns, noting she promoted civic engagement and noted she learned from business leaders in the community that the item was not going forward but then suddenly it did. She stated she did not think this was right. She stated her understanding that Council Member Coombs got pressure from the community but she felt strongly that collaboration with the business community could be realized. She stated she could not support the item for those reasons. She noted there was a narrative from some of the speakers that those with businesses were wealthy and she disagreed with that.

Council Member Berzins expressed appreciation to all those who spoke on the item. She stated the public call-in system was a terrible process that needed to be fixed because it made City Council look really bad in the community's eyes. She stated some of the testimony moved her and discussed her husband's experience coming to America as an immigrant, noting he did not expect it to be easy but rather expected to work hard and he did. She disagreed with those who

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stated anyone with a business was rich. She stated she was unsure who was behind all of these ordinances but thanked all those who wanted a higher wage, noting she understood their concerns as she and her husband both have worked low-paying jobs. She noted she also saw the business side of the issue. She suggested Council Members Coombs and Marcano and those council members who supported the item should realize that there were unintended consequences when passing these items such as people losing their jobs because businesses went under which also resulted in them losing their health insurance so they lost more than their jobs. She stated instead Council needed to help businesses any way possible to get through COVID and to stay in business. She stated she questioned some things in the item and noted working minimum wage was a tough way to make a living but it was not a lifetime job but rather was a steppingstone to something else.

Council Member Marcano expressed appreciation to everyone who called in to speak on the item. He stated it was important for policymakers to not just consider the data which supported the measure but also the realistic experiences of people who were ignored, taken advantage of, dismissed and betrayed on a regular basis. He expressed appreciation to those workers who organized, called in and put pressure on Council particularly given the economic circumstances. He addressed his colleagues, noting empathy did not pay the bills and pointed out Council had the opportunity to help 30k people, and it sounded like that was not going to happen. He echoed Council Member Gruber's comments that there was an election next year and people could make sure that did not happen again.

Mayor Pro Tem Johnston pointed that while there were strong opinions on timing, the fact is Council Member Coombs worked really hard to address many of the concerns that arose including her own. She confirmed the item was different than the first proposal and stated her support for a minimum wage increase. She noted that might not be what it took to pass it but she wanted to be sure and share that information.

Council Member Hiltz agreed there was misinformation related to the item and that everyone was somewhat frustrated with the process overall but noted that was separate from Council doing what was needed to help workers. She discussed her previous hesitation on the item, noting it related to the need for further information on the \$17/hr. amendment. She stated her support for the item.

Council Member Murillo stated she had a heavy heart and was disappointed because she felt the item would not pass. She expressed appreciation to everyone who called in to speak whether they were in support or not because it was important for Council to hear testimony. She stated there was a lot of relief and aid coming forward as a response to the hardships caused by COVID but she did not feel that workers were prioritized. She stated she often saw the minimum wage workers bear the brunt of impacts when it came to big changes such as this and she was disappointed that Council has gotten away from the value of people and workers who deserved a livable wage. She stated she was frustrated to hear the posturing around supporting wages for police and fire departments because they were not high enough compared to Denver but doing so for working wage earners was not the same. She stated that was lopsided and disappointing. She stated it was interesting that she has not heard any proposed amendments in the conversation and there was a narrative that was embedded with false information around how quickly the minimum wage would be increased and that was a classic tactic that has been seen on Council before. She stated people spread misinformation to confuse people when an item was controversial, which led to the inability to have a conversation around merit and in the end, it was the community that lost out. She stated she has known Council Member Coombs to be a staunch advocate but not unreasonable and she knew Council Member Coombs has been working with groups in this regard. She stated she was able to gain additional colleague support because of her

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pursuit and process and she would have loved to see the item move forward. She stated the third round of small business grants would be discussed and noted it was narrow to think that this alone was the only way to support the economy and it did not take in the full scope of possibilities on how to support small businesses while providing balanced relief to the community.

Council Member Coombs stated her disappointment that the City's working people would have to wait a full year before they could realize any relief when the City's businesses would not. She noted the City had a program that would give City businesses relief and there was a new one Council was considering that would provide more. She stated the result would be more homelessness and suggested everyone be prepared to receive more calls about encampments and people living in their cars and RVs because they would not have another choice. She noted Council talked about wanting to give people a hand up rather than a handout and that was what real meaningful wages were; a hand up. She stated her disappointment that Council did not think workers should have a hand up now and should wait until the pandemic was over. She pointed out meanwhile, Council addressed other issues that were not controversial but workers had to wait.

Council Member Murillo stated there was someone in the queue who wanted to speak to Council.

Mayor Coffman asked staff if there was someone in the queue. Ms. Barkman answered no.

Council Member Bergan pointed out Council was doing a lot to help vulnerable residents, noting they just approved a \$3.8M grant package that would help many different organizations. She noted grants were also provided earlier in the year.

VOTE ON ORIGINAL MOTION

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

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

- ◆ e. **Temporary Cap on Third Party Food Delivery Fees**
2020-64 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 26 ADDING ARTICLE III REFERRED TO AS TEMPORARY CAPS ON FEES FOR FOOD DELIVERY AND OTHER RELATED MATTER (*This item also appears on the 11/2 Regular Meeting*)
Presenter: Vaughn, Trevor - Manager Of Tax And Licensing

Motion by Gardner, second by Lawson, to introduce item 13e.

Susan Barkman, Interim City Clerk, introduced a speaker from the call-in line.

Council Member Bergan stated she would not typically be in favor of interfering with the free market however given the pandemic capacity restrictions set forth by Tri-County Health and the governor, she would support the item because it had an expiration timeframe.

Council Member Marcano stated there was a lot he liked about the item, noting one of those related to helping the City's lower volume businesses be on a more equal footing to those that had larger representations and relationships with the delivery services. He further noted the abject hypocrisy of using the government to help small businesses but not workers. He stated that hypocrisy would not prohibit him from supporting the item because he felt it was important for

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Council to help businesses and workers. He stated that, while he was disappointed with how the previous vote went, he wanted to demonstrate that Council could actually do both in the City.

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

14. **FINALIZING OF ORDINANCES**

◆ a. **Proposed Dangerous Dog Ordinance and Revisions to Chapter 14 of the Aurora Municipal Code**

2020-55 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 14 OF THE CITY CODE PERTAINING TO ANIMAL THE AURORA ANIMAL SERVICES DIVISION

Presenter: Anthony Youngblood, Manager of Animal Services

Attorney: Tim Joyce, Assistant City Attorney

Motion by Hiltz, second by Coombs, to approve item 14a.

Council Member Gruber stated he would not support the item. He stated that while it was far improved from the initial proposal, he did not think it was a good idea to have an extra set of predators such as the 'community cats' working in a Colorado environment.

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

Voting Nay: Gruber

◆ b. **Requiring Permission on Procurements from Certain State and Federal Programs**

2020-56 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 2-72 OF THE CITY CODE PERTAINING TO AUTHO TO REQUEST PROCUREMENTS FROM CERTAIN STATE AND FEDERAL PROGRAMS.

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

Attorney: Nancy Rodgers, Deputy City Attorney

Sponsor: Council Member Gardner

Motion by Gruber, second by Bergan, to approve item 14b.

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

c. **Introduction of an ordinance to change Sec. 2-667(f) Disqualified vendor or contractor**

2020-57 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 2-667(f) OF THE CITY CODE PERTAINING TO DISQUALIFIED VENDORS OR CONTRACTORS.

Presenter: Fillinger, Bryn - Mgr Of Purchasing & Contracts

Attorney: Lathers, David, Senior Asst City Attorney

Motion by Bergan, second by Berzins, to approve item 14c.

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

d. **FINANCING OF ELECTORAL CAMPAIGNS**

2020-58 Consideration of AN ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, repealing and replacing Section 54-2 and Sections 54-101 to 54-110 of the City code related to the Financing of Electoral Campaigns.

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Sponsor: Mayor Pro Tem Johnston and Council Member Marcano
Attorney: Lathers, David, Senior Asst City Attorney

Motion by Marcano, second by Johnston, to approve item 14d.

Mayor Coffman deferred to Council Member Lawson to manage discussion on item 14d. He then addressed Council Member Marcano, noting his claim in study session that the disclosure provisions were consistent with that in federal law was incorrect. He read the law aloud from the Election Commission website and asked Council Member Marcano why he thought it was consistent with federal law. Council Member Marcano agreed he misspoke, noting Boulder had that provision on their literature and digital ads, not federal law. He apologized for getting that part wrong and noted it was consistent with something that was already done in the state. Mayor Coffman reiterated Council Member Marcano's comments that it was consistent with state and federal laws were inaccurate. He pointed out a compelling speech was just as much a First Amendment problem as censoring it because it was one thing to require people to disclose their donors but another to compel them to broadcast their donors' names on every single communication and ad. He referenced National Association for the Advancement of Colored People (NAACP) v. Alabama and asked Council Member Marcano if he was concerned with the harassment those five names might take on a controversial issue and if the intent was to intimidate them. Council Member Marcano stated if the concern was someone might sue over this, he agreed that might happen and pointed out this was not something that went above and beyond what was already in place. He stated the original drafter of the item, along with the partners brought in, did their best to pull best practice this from the state and other localities throughout the country who helped craft the finer details therefore he rejected that comparison and pointed out there was someone in the queue to speak.

Council Member Lawson asked Susan Barkman, Interim City Clerk, to introduce the speakers. Ms. Barkman did so.

Mayor Pro Tem Johnston echoed Council Member Marcano's sentiments and addressed the comments that they were not recognizing non-people or corporations as people or donors. She noted many business owners who were residents and voters who participated in the political process were welcome to donate or not as there was nothing to preclude them from doing so.

Council Member Gruber stated the overall bill had problems and discussed a few such as the violation of Citizens United and that the bill was advertised as an Aurora bill when it was a progressive bill that was sponsored by organizations outside of Aurora. He listed the outside organizations that promoted the bill and noted it was funded by Act Blue. He stated it was absurd to state this was a nonpartisan bill for a nonpartisan council in a nonpartisan city and he would not support it.

Council Member Marcano pointed out Council Member Gruber's comments were another example of a 'Gish Gallop,' which was a string of uninterrupted arguments that were almost impossible to rebut. He confirmed Act Blue was like PayPal. He stated they processed payments therefore to state they were funding the item was preposterous. He confirmed Dale Nichols wrote the bill, noting the Secretary of State was exceptionally well-versed in this topic as it was a passion of his. He addressed Council Member Gruber and stated he needed to stop lying at some point.

Mayor Pro Tem Johnston stated this was initiated by an Aurora constituent and those organizations that supported the item were statewide with members in Aurora. She stated the item was non-

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partisan and not political. She stated neither was it a progressive thing, noting there were people from all different political outlooks wanting this reform.

Council Member Gruber reiterated this was a partisan bill and those organizations who supported it were Democratic and progressive-leaning organizations. He agreed Act Blue was a payment system but noted the difference between it and PayPal was that anyone could use PayPal and Act Blue was only used by those whose items were approved by Act Blue. He noted they used dark money and were purely Democratic.

Council Member Gardner stated his biggest concern with the item was that the drafters picked and chose what they liked at the state and federal level and now there appeared to be a requirement of the top five donors on every advertisement. He stated they have created something that was much more complicated at a state level than a federal level. He stated he would support the item in the interest of transparency but noted he was grateful he did not have to run next year and figure out how to add the names of his top five donors to every single advertisement because that was ridiculous. He expressed his hope that a new council in the future would clean this up.

Council Member Marcano stated one of the groups called out by Council Member Gruber was actually founded by Republicans.

AMENDMENT I

Motion by Mayor Coffman, second by Gruber, to strike the provision in item 14d related to the top five donor disclosure requirement.

Mayor Coffman stated it was an onerous requirement that was done solely for the purpose of having a chilling effect on speech.

Council Member Bergan asked if listing requirement for the five top donors included unions. Council Member Marcano answered affirmatively.

Mayor Coffman stated it was five individuals.

Council Member Coombs asked if the small donor committees were required to have a list of all their donors therefore an individual would still have to be listed. Mayor Coffman stated this was a disclosure requirement that had to go on every single communication and not simply on the report that was filed with the Clerk.

Council Member Marcano reiterated the requirement was not new, noting he saw a digital Facebook ad out of Boulder that displayed the candidate's name, what they were running for and who paid for the ad. He stated it was not a difficult thing to do.

Mayor Pro Tem Johnston added One Aurora did a hit piece on several council members and the public deserved to know where that came from therefore the intent was transparency. She pointed out most council members did not have the privilege of knowing that it ran into a commercial because they were unable to have tv commercials.

Council Member Bergan stated her understanding that five individual donors had to be listed on any ad whether it was a commercial, direct mail or radio.

Mayor Coffman concurred.

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Council Member Bergan stated she was uncertain how that would fit on a page, noting it was difficult enough to get anything on a direct mail piece as it was so that meant candidates would have to get larger pieces which cost more money. She pointed out donors have been disclosed so anyone could look up who has donated to which campaign especially considering the increased number of reporting dates that have been added. She stated she did not understand why it had to be disclosed on the ad as well as the report.

Council Member Hiltz stated she did not understand the controversy around people sharing where the money came from during a campaign, noting it should not be such a big secret. She stated this was why people hated politics because people lie and did not want to tell people where their money came from. She stated it was not just transparency to the voters but providing that information just seemed so easy as it was basic common sense. She agreed it was inconvenient and not fun but she did not understand why five things could not be added to a mailer.

Council Member Berzins asked if the requirement included yard signs and how she should choose five out of a hundred donors. Council Member Marcano stated the requirement was five so based off the language a candidate would choose five.

Mayor Pro Tem Johnston referenced p. 980, Section 54-104.5, which stated the five-person rule was connected to independent expenditures or election communication.

Council Member Bergan echoed Council Member Berzins question related to how the donors would be put on the advertisement for a candidate being topped out at \$400 when there could be 20 people who donated the same amount. Council Member Marcano pointed out that was not for candidate committees. Council Member Bergan stated she supported campaign finance reform, noting her support of Mayor Coffman's item that failed. She stated this item was very complicated and complex with too many pages for a candidate to figure out the rules in the hope of not getting fined. She addressed a statement made earlier about quid pro quo when businesses made donations, noting she received a lot of donations from businesses because they probably saw her as a pro-small businessperson and it was all disclosed on her reports. She pointed out that was their right to do so and she did not owe them a thing. She stated she has never gotten a favor for a donation or sold her soul for a vote.

Mayor Pro Tem Johnston maintained these were conservative business owners that she spoke with, noting she too has accepted donations from business owners. She addressed Council Member Bergan and stated she knew Council Member Bergan had integrity. She pointed out the business owners told her they felt they had to give a lot of money in the Aurora races to be relevant. She stated she was repeating their sentiment and certainly not stating that it applied to Council Member Bergan. She confirmed the requirement applied to independent expenditure committees and while it took a while to find an answer in the ordinance, the answer was in there.

VOTE ON AMENDMENT I

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

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

AMENDMENT II

Motion by Marcano, second by Johnston, to amend item 14d in Section b, 1 and 2, to change five 'persons' to five 'donors' so that it would capture artificial persons as well.

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Mayor Pro Tem Johnston asked staff if the Mayor could vote on amendments to an ordinance.

Daniel Brotzman, City Attorney, answered affirmatively, noting the Mayor could vote on procedural motions such as an amendment.

Council Member Berzins stated she did not understand and asked if the ad could list five different companies. Council Member Marcano answered affirmatively. He stated it could be a person if they were big donors so changing 'persons' to 'donors' would capture whoever gave whether it was a natural or artificial person.

Council Member Coombs stated the City could not prevent individual expenditure committees from taking monies from companies because the City could not regulate that.

Council Member Berzins stated they would be the ones printing and placing the ads so that was on them because the candidates would not know what they were doing.

Mayor Coffman offered a friendly amendment to reduce the number from five to three which was in the original draft.

Council Member Marcano stated his preference to keep it to five because providing information more readily for people was the intention.

VOTE ON AMENDMENT II

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

Voting Nay: Bergan, Berzins, Gardner, Gruber

AMENDMENT III

Motion by Mayor Coffman, second by Gruber, to amend item 14d to reduce the number of donors to be disclosed for independent expenditures from five to three.

Mayor Coffman felt five was for the purposes of having a chilling effect on the First Amendment.

Mayor Pro Tem Johnston pointed out this related to independent expenditures and if there was a concern of transparency and noted, while there might be a chilling effect, it was a problem when people did not want others to know what they were doing. She reiterated this was in every single type of advertisement that the candidate did and noted many times, it was not three but was five groups or more who were pooling their resources in an attempt to make a big impact on a campaign and she believed the public needed to know who they were.

VOTE ON AMENDMENT III

Voting Aye: Mayor Coffman, Bergan, Berzins, Gruber

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

AMENDMENT IV

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Motion by Mayor Coffman, second by Gruber, to amend item 14d to strike the provision that a candidate could not be involved in other campaigns or committees.

Mayor Coffman stated that was a First Amendment violation.

Council Member Marcano pointed out the intention was to avoid the appearance of impropriety and to make it more difficult to coordinate in violation of laws therefore it was not a chilling effect on the First Amendment. He stated there were those who worked on this that were very experienced and if it were a violation then they would have flagged it so he felt confident that it was not.

Council Member Gruber asked if it was the City's attorneys or progressive attorneys with the underlying sponsors of the bill who were the experts in this regard. Council Member Marcano stated it was the attorneys hired by the conservative outfit that was attempting to chase corruption out of elections nationwide. Council Member Gruber pointed out just because Council Member Marcano stated something was conservative did not make it true.

Mayor Pro Tem Johnston stated both the City Attorney's Office and Common Cause were used, noting they both had the subject matter expertise and both were consistent.

Mayor Coffman asked what other jurisdiction had this provision.

Council Member Marcano and Mayor Pro Tem Johnston were uncertain at this time.

Mayor Coffman stated his belief that it was unique to this particular campaign finance reform and that it targeted him directly and was written for that purpose.

Mayor Pro Tem Johnston clarified this was a best practice and she did not think it was right for candidates to have their hands in many different areas with issue committees, especially independent expenditure committees, running races. She reiterated this was the strongest in the state of Colorado and probably one of the strongest in the country so there would be areas that were really being tightened down.

Mayor Coffman noted such as the First Amendment.

Mayor Pro Tem Johnston stated the real root of it was the chilling effect on dark money.

Mayor Coffman stated the provision stated he could not be involved in an issue committee for something that was going to be before the voters even in a year that he was not running simply because he had an active campaign account.

Mayor Pro Tem Johnston stated it was inappropriate to have coordination between campaigns and this was an attempt to simplify what the candidates were doing for the voters.

Mayor Coffman stated his understanding that it was about speech they liked versus speech they did not and he believed that was a direct assault on the First Amendment. He stated his understanding that did not matter to the sponsors.

Council Member Bergan stated one could not be a treasurer on someone else's political campaign and asked if that meant ever or just when they were running in the same cycle. Mayor Pro Tem Johnston stated same cycle.

Mayor Coffman pointed out that was not the way it was written.

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Mayor Pro Tem Johnston stated she was looking up the information.

Council Member Gruber concurred with Mayor Coffman.

Council Member Berzins stated her understanding that those with a campaign account or who were a candidate could not participate in anything that was on the ballot and asked how far the item went. Council Member Marcano stated a candidate or council member with a campaign account could not participate in two simultaneous municipal campaigns. He addressed Council Member Bergan's question and answered no, noting serving on two different campaign committees was prohibited under the same clause.

Council Member Bergan asked if that were so during the same exact election cycle.

Council Member Marcano asked staff to speak to that question.

Dave Lathers, Senior Assistant City Attorney, referenced Section 54-103, p. 12 of the ordinance and p. 975 of the backup material and asked if the discussion was directed at the operative clause in subsection 8, which stated 'a candidate may not organize, maintain, or control or serve as an officer or treasurer of a political committee or issue committee.'

Council Member Bergan answered affirmatively, noting it stated, 'at any time.'

Mr. Lather confirmed it did state 'more than one candidate committee at any time' which read 'inclusive of all issues if there was a current candidate committee.' He noted it was open to interpretation and could be clarified potentially.

Council Member Gruber asked staff if there was any language in the provision that related to participating in a municipal, state, or federal election. Mr. Lathers answered no. Council Member Gruber stated that was because it was an encompassing statement rather than a limiting statement, noting it implied that it was not restricted to a municipal election because there was not any restrictive language.

Mr. Lather agreed it was broadly inclusive as it was currently written.

Mayor Pro Tem Johnston pointed out it was stated in the beginning of the ordinance that this applied to City of Aurora municipal elections.

Mr. Lathers agreed that was the presumption throughout the drafting of the item but stated it could be made clearer.

Mayor Pro Tem Johnston expressed concerns that if municipal were added to this section then it would have to be added throughout the bill and she stated her preference that it state City of Aurora Municipal Elections Code at the beginning without the reminders throughout.

Mr. Lathers pointed out the discussion on the issue helped clarify the intent for when one was reviewing the legislative history of the item in an attempt to interpret it.

Council Member Berzins stated what the discussion showed her was there was just too much stuff in the ordinance if the sponsors and City Attorney's office struggled with finding answers. She noted since a candidate or council member with a campaign account could not help another campaign that meant they could not help a candidate either.

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Council Member Marcano disagreed.

Council Member Berzins stated she was hearing that it was.

Mayor Pro Tem Johnston pointed out Council Member Marcano literally read about how they could not be a treasurer or officer but that they still had their First Amendment rights so it was very clearly stated.

Council Member Berzins disagreed.

Council Member Bergan asked whether resources could be combined for distribution of literature on different campaigns. Council Member Marcano stated that was protected in part of the ordinance where it was stated that nothing could be interpreted to basically kill freedom of speech, opinions or advocacy because it was framed around campaign finance.

VOTE ON AMENDMENT IV

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

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

VOTE ON ORIGINAL MOTION AS AMENDED

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

Voting Nay: Bergan, Berzins, Gruber

Council Member Murillo requested the speaker in the queue be allowed to speak.

Mayor Coffman stated hearing no objections, he requested Ms. Barkman introduce the speaker. Ms. Barkman did do.

15. PLANNING MATTERS

None

16. ANNEXATIONS

None

17. RECONSIDERATIONS AND CALL UPS

- a. **RECONSIDERATION OF RESOLUTION 2020-22 – Review of the powers granted to the City Manager by Resolution 2020-22. The powers granted to the City Manager which are set forth in the Disaster Declaration shall remain in place until a majority of Council votes to end the Declaration.**

Attorney: Evans, Isabelle, Assistant City Attorney II Civil

Motion by Gruber, second by Murillo, to approve item 17a.

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

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18. **GENERAL BUSINESS**

a. **Appoint one (1) member to Aurora Fox Arts Center Board.**

Consideration to appoint one (1) member to the Aurora Fox Arts Center Board

Presenter: Barkman, Susan - Interim City Clerk

Attorney: Lathers, David, Senior Asst City Attorney

Motion by Marcano, second by Coombs, to appoint Thomas Tharpening III, to the Aurora Fox Arts Center Board.

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

b. **Consideration to appoint one (1) member and to reappoint two (2) members to the Public Defenders Commission**

Consideration to appoint one (1) member and to reappoint two (2) members to the Public Defenders Commission

Presenter: Barkman, Susan - Interim City Clerk

Attorney: Lathers, David, Senior Asst City Attorney

Motion by Bergan, second by Berzins, to appoint Sarah Hillabrandt and reappoint Tom Ashburn and Tom Tobiassen to the Public Defenders Commission.

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

19. **REPORTS**

a. Report by the Mayor

No report.

b. Reports by Council

Council Member Murillo reminded everyone it was election day, provided voting details and encouraged everyone to vote.

Mayor Pro Tem Johnston announced the upcoming Metro District Town Hall hosted by the City scheduled for Thursday, November 4, 2020 at 6:30 p.m.

Council Member Coombs reminded everyone to vote and expressed her hope that someone would be elected who would do something for the working poor.

Council Member Bergan announced the appointment of Danielle Jerinski to the Citizens Advisory Budget Committee and noted the Ward VI Town Hall was scheduled for November 18, 2020 from 6:00 p.m. to 8:00 p.m. where a Public Works presentation on roads would be provided.

20. **PUBLIC INVITED TO BE HEARD**

None

21. **ADJOURNMENT**

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

Mayor Coffman adjourned the regular meeting of City Council at 1:29 a.m.



MIKE COFFMAN, MAYOR

ATTEST:



- ◆ ***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.***