

MINUTES

Regular Meeting – Aurora City Council Monday, June 19, 2017

1. **CONVENE REGULAR MEETING OF JUNE 19, 2017 AND CALL TO ORDER**

Mayor Hogan reconvened the regular meeting of City Council at 7:34 p.m.

2. **ROLL CALL** Linda S. Blackston, City Clerk

3. **INVOCATION** Pastor Bryce Ulrich, Mississippi Avenue Baptist Church

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 5, 2017**

Motion by Roth, second by Bergan, to approve the minutes of June 5, 2017 as presented.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Pierce,
Richardson, Roth

Abstained: Peterson

6. **CEREMONY**

a. Swearing in of the new Fire Chief Fernando Gray – Presiding Judge Shawn Day

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Judge Shawn Day administered the oath of office of Fire Chief to Fernando Gray. Mayor Hogan and City Council congratulated Chief Gray and thanked him for his service to Aurora.

Skip Noe, City Manager, welcomed Chief Gray and expressed appreciation to Interim Fire Chief Hills for his service to the City of Aurora.

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

Michael Lowder, Aurora, Colorado, discussed construction activity conducted by his neighbor without the use of permits. He asked the City to take action in this regard.

Mayor Hogan suggested Mr. Lowder speak with Jason Batchelor, Deputy City Manager. Mr. Lowder stated they had an ongoing dialogue in that regard.

Paul Myers, Aurora, Colorado, expressed concerns regarding Airbnb rentals being allowed in residential areas in the City of Aurora and asked how this use could be stopped.

Mayor Hogan suggested Mr. Myers speak with Jason Batchelor, Deputy City Manager, for more information and with each council member individually.

Paula Smolen, Aurora, Colorado, expressed concerns regarding the threat of the Lowry Superfund site and landfill chemicals. She requested an environmental assessment be completed prior to any further development consideration.

Mayor Hogan stated the property was not located in the City of Aurora and was an Environmental Protection Agency (EPA) Superfund site which made it under the purview of the county and federal governments as well as the City and County of Denver. He agreed the City of Aurora could investigate the proper steps to assess the threat but it was those other entities that were responsible and not the City of Aurora.

Ms. Smolen stated the Murphy Creek East development was located in the City of Aurora and suggested the City of Aurora should want the assurance that there was not a threat.

Mayor Hogan suggested perhaps the developer should get involved, noting there was more than one way to address this issue.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-n**

General Business

- a. Consideration of a LEASE AGREEMENT with Rocky Mountain Hydrocarbon, LLC, on behalf of Bison Oil & Gas, LLC for city-owned mineral rights within Sections 1, 2 & 6, Township 3 South, Range 65 & 66 West, 6th PM, Adams County consisting of a total of approximately 12.6183 acres of land. STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works

Motion by LeGare, second by Roth, to approve item 9a.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Pierce, Richardson, Roth

Voting Nay: Peterson

- b. Consideration to AWARD A SINGLE SOURCE CONTRACT to 53 Corporation, LLC, Sedalia, Colorado in the amount of \$55,376.00 for the remedy of design flaws at the Sand Creek Park Parking Lot, Project No. 14081. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

Council Member Bergan noted the reason the issue required this remedy was because RTD installed the rail tracks at a different elevation. She asked why then RTD was not responsible for that payment rather than the City.

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Cindy Colip, Transportation Project Delivery Manager, Public Works, stated the area was resurveyed by the City's survey department after the tracks were installed and the redesign occurred after that thereby providing the City with the correct information for the designer.

Council Member LeGare asked staff to speak to the language "*seeking to be reimbursed from professional liability insurance*" found in the backup material. Ms. Colip stated after the area was constructed, it was discovered that it did not drain because of the design which was incomplete and insufficient. Council Member LeGare asked if they have been cooperative so far. Ms. Colip answered affirmatively.

Motion by Bergan, second by Lawson, to approve item 9b with a waiver of reconsideration.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to EAP Glass, Incorporated, Lakewood, Colorado in the not-to-exceed amount of \$81,095.00 for Glass Replacement and Repair Services through July 31, 2018, B-4244. STAFF SOURCE: Chris Carnahan, Director/Deputy Level 4, Public Works
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Superior LLC (formerly Sungard Public Sector), Lake Mary, Florida in the amount of \$70,487.01 for annual maintenance and support of One Solution software through June 30, 2018. STAFF SOURCE: Aleta Jeffress, Director, Information Technology
- e. Consideration to AWARD A SOLE SOURCE CONTRACT to Environmental Systems Research Inc. (ESRI), Redlands, CA in the amount of \$82,757.67 for annual maintenance of the City's geographical mapping software system through July 12, 2018. STAFF SOURCE: Aleta Jeffress, Director, Information Technology
- f. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Black & Veatch Corporation, Denver, Colorado in the amount of \$255,355.00 to add final design and construction phase engineering services for the Strontia PRV Station Sleeve Valve Replacement Project, R-1744. STAFF SOURCE: Steve Fiori, Project Delivery Services Manager, Aurora Water
- g. Consideration to AWARD A COMPETITIVELY BID CONTRACT to CE Power Systems, Inc., Denver, Colorado in the amount of \$90,500.00 for the Sand Creek WRF: Arc Flash Improvements, Project No. 5588A. STAFF SOURCE: Steve Fiori, Project Delivery Services Manager, Aurora Water
- h. Consideration of a PROFESSIONAL SERVICES AGREEMENT for Commission of Public Art Work at the Central Recreation Center. STAFF SOURCE: Roberta Bloom, Public Art Coordinator, Library & Cultural Services

Motion by Peterson, second by Roth, to approve items 9c – 9h.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

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- i. Consideration of a LEASE AGREEMENT with the Aurora Economic Opportunity Coalition for leasing the building at 1521 Dayton Street for their programs STAFF
SOURCE: Jason Batchelor, Deputy City Manager

Reid Hettich, Aurora, Colorado, spoke in support of the item, noting this was a case where citizens rallied together to solve the problem of the day labor situation at Dayton and Colfax.

Council Member Richardson stated his support of the goal to address the day labor problem but noted he could not support the item due to the number of problems with it.

Council Members Bergan and LeGare echoed Council Member Richardson's comments.

Council Member Mounier asked if the lease was similar to what was constructed for the Vintage Theater.

Mike Hyman, City Attorney, answered affirmatively, noting both contracts included the concept of a grant for the use of the property.

Council Member Bergan noted the termination clauses were different and pointed out the Vintage Theater lease made them responsible for some of the operational costs.

Jason Batchelor, Deputy City Manager, stated the \$10 rental amount was similar as was the language of responsibility for the Aurora Economic Opportunity Coalition to pay for operations and utilities, noting the difference was that the Vintage was a revenue-producing entity and this was not.

Council Member LeGare pointed out the only similarities were that both the Vintage and the Aurora Economic Opportunity Coalition were non-profits with essentially a free lease to use City property, which he supported. He noted the difference was that the Vintage provided space for artistic performances and the other would be a legally operating temporary employment agency that was required to comply with all state, federal, county and City of Aurora laws.

Council Member Mounier stated the intent was to alleviate the deplorable situation the day laborers have faced for 20 years at Dayton and Colfax. She noted this was a temporary solution and she encouraged City Council to support the item.

Council Member Berzins pointed out no one was opposed to the idea and everyone gave kudos to the group who put the item together, however the problem people have with the item was the language in the lease. She noted rewriting the language would solve the problem.

Council Member Mounier pointed out the lease was reviewed and approved by Dave Lathers, Assistant City Attorney.

Council Member Cleland noted the issue related to the language of the lease and whether a city attorney reviewed and approved it was not the issue when there were 11 council members with their own opinions that might not agree with the city attorney. She agreed the idea of the program was good but City Council needed to be comfortable with the language.

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Mayor Hogan noted the proposal had blanks in it and he was required to sign it if it passed. He asked if he had the ability to choose not to sign the item until those blanks were filled in. Mr. Hyman answered affirmatively.

Council Member LeGare asked what the process to bring the item back would be if it did not pass. Mr. Hyman discussed the process under Council Rules.

Motion by Cleland to deny item 9i.

Mayor Hogan noted the motion died for lack of a second.

Motion by Mounier to approve item 9i.

Mayor Hogan noted the motion died for lack of a second.

Council Member Cleland echoed the City Attorney's comments that the item could be brought back in two weeks at the Reconsiderations and Call-ups portion of the City Council meeting.

ORIGINAL MOTION

Motion by Cleland, second by LeGare, to deny item 9i.

Council Member LeGare stated his hope that the lease could be changed so it would include language that at least six council members could support.

Council Member Richardson expressed concerns related to how the issue would be resolved between council members in the two week timeframe. He asked staff to explain the process in that regard.

Mayor Hogan suggested City Council vote to approve the denial and then send it back to the Housing, Neighborhood Services and Redevelopment policy committee to work on the terms of the lease.

Council Member Richardson stated his agreement with the process.

Mayor Hogan suggested there could be a motion of deferral that included reassignment to the Housing committee for further work.

SUBSTITUTE MOTION

Motion by Richardson, second by Bergan, to table consideration of item 9i to allow for review by the Housing, Neighborhood Services and Redevelopment policy committee.

Council Member Berzins asked why not defer the item to allow the City's legal department to work on it.

Council Member Richardson stated he equated a deferral with a date certain.

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Council Member LeGare agreed the item should not be boxed into a date certain and that this was a better solution than denying the item altogether.

Voting Aye: Mayor Hogan, Bergan, Cleland, Lawson, LeGare, Peterson, Pierce, Richardson, Roth

Voting Nay: Berzins, Mounier

Final Ordinances

- j. **2017-18**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Section 22-573 of the City Code of the City of Aurora, Colorado, relating to growing marijuana in residential structures. STAFF SOURCE: Sergeant David Pendleton, Police

- k. **2017-19**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, vacating the Cul-De-Sac Public Right-of-Way at the Terminus of Ensenada Street, West of East 22nd Avenue and South of Smith Road, City of Aurora, County of Adams, State of Colorado, and reserving a utility easement therein (Eastpark 70 Street Vacation) STAFF SOURCE: Brenden Paradies, Planner I, Planning & Development Services

- l. **2017-20**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, vacating public rights-of-way consisting of portions of Nome Street, East 26th Avenue and East 26th Place, including alleys, located in the City of Aurora, County of Adams, State of Colorado (Stapleton Street and Alley Vacation). STAFF SOURCE: Stephen Rodriguez, Planning Supervisor, Planning & Development Services

- m. **2017-21**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending section 130-566 of the City Code of the City of Aurora, Colorado, regarding the Infill Development Incentive Program. STAFF SOURCE: Jacob Cox, Development Project Manager, General Management

- n. **2017-22**
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, authorizing the use of lease-purchase financing for the construction, improvement and equipping of three fire stations (including related

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vehicles) pursuant to the terms of one or more lease-purchase agreements by and between the Aurora Capital Leasing Corporation, as lessor, and the City of Aurora, Colorado, as lessee; authorizing officials of the City to take all action necessary to carry out the transactions contemplated hereby; and related matters. STAFF SOURCE: Mike Shannon, Manager Debt, Treasury & Investments

Motion by Roth, second by Mounier, to approve items 9j – 9n.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

10. **RESOLUTIONS**

- a. **R2017-34**
Consideration to APPROVE A RESOLUTION of the City Council of the City Aurora, Colorado, for an exchange of property for a drainage channel known as the Granby Ditch. STAFF SOURCE: Hector Reynoso, Manager Real Property Services, Public Works

Motion by Peterson, second by Richardson, to approve item 10a.

Council Member LeGare stated his assumption that the deeding of the new right-of-way would be approved through the new site plan.

Hector Reynoso, Manager Real Property Services, Public Works, answered affirmatively, noting it would be approved through the final approval of the subdivision plat.

Council Member LeGare asked staff to clarify the drawing of the old and new drainage areas.

Craig Perl, Engineering, did so, noting the wider areas were the open channel and the narrow ones were pipes.

Council Member Pierce asked who paid for the realignment of the ditch. Mr. Reynoso stated the developer.

Council Member LeGare asked staff to speak to the process timeframe for the item. Mr. Reynoso did so, noting it was done at the same time under the City's control.

Skip Noe, City Manager, noted the developer has requested to start the beginning site work in July.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

- b. **R2017-35**
Consideration to APPROVE A RESOLUTION of the City Council of the City Aurora, Colorado, approving an Intergovernmental Agreement between High Plains Metropolitan District, a Quasi-Municipal Corporation and Political Subdivision of the State of Colorado, and the city of Aurora, Colorado, Acting by and through its Utility Enterprise for the maintenance of landscaped property for the Neighborhood Activity

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Center at Blackstone Country Club Filing Number 1. STAFF SOURCE: Vern Adam, Engineering Services Manager, Aurora Water

Motion by Bergan, second by Roth, to approve item 10b.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

- c. **R2017-36**
Consideration to APPROVE A RESOLUTION of the City Council of the City Aurora, Colorado, granting a Special Warranty Deed to the Tollgate Crossing Metropolitan District No. 2. STAFF SOURCE: Curtis Bish, Pros Principal Planner, Parks, Recreation & Open Space

Motion by Bergan, second by Pierce, to approve item 10c.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

- d. **R2017-37**
Consideration to APPROVE A RESOLUTION of the City Council of the City Aurora, Colorado, approving the Second Amendment to Joint Use Agreement regarding Fletcher Elementary School Gymnasium (25th & Havana). STAFF SOURCE: Byron Fanning, Manager of Recreation Services, Parks, Recreation & Open Space

Motion by LeGare, second by Mounier, to approve item 10d.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

- e. **R2017-38**
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado approving amendment #1 to the Intergovernmental Agreement between the City of Aurora and the State of Colorado for the use and benefit of the Department of Transportation, regarding the Hudson Road Bridge over Coyote Run Creek Rehabilitation project. STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

Motion by Cleland, second by Peterson, to approve item 10e.

Council Member Bergan pointed out there was a federal match to the item.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

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□ f. **R2017-39**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the City of Aurora and the State of Colorado for the use and benefit of the department of transportation, regarding the Westerly Creek to Tollgate Creek Trail Connector (Bicycle/Pedestrian connections including the R/H-Line Florida Station). STAFF SOURCE: Cindy Colip, Transportation Project Delivery Manager, Public Works

Motion by Roth, second by Berzins, to approve item 10f.

Council Member Roth pointed out this project was another example of the success of the Denver Regional Council of Governments (DRCOG) Transportation Improvement Program (TIP) process Aurora applied for in 2014.

Voting Aye: Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

11. **ORDINANCES FOR FINAL**

□ a. **2017-23**

Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, submitting to a vote of the registered electors of the City of Aurora, Colorado, at the regular municipal election of November 7, 2017, an amendment to Section 11-18.5 of the City Charter regarding entertainment districts. STAFF SOURCE: Michael J. Hyman, City Attorney

Motion by Mounier, second by LeGare, to approve item 11a.

Jason Legg, Aurora, Colorado, spoke in opposition to the item, noting the ordinance title was misleading and he believed that was intentional.

Michael Himawan, Aurora, Colorado, spoke in opposition of the item and requested the item be sent to committee for review, presented in public hearings for debate and the ballot language amended to better reflect the true nature of the ordinance.

Russ Wagner, Aurora, Colorado, Aurora City Council At-Large candidate, spoke in favor of the item, noting it provided the opportunity to attract a large motor sports venue or entertainment district to the City.

Alison Coombs, Aurora, Colorado, spoke in opposition to the item, noting it failed to respect the people and their voices by allowing public funds to be used for private development incentives without public knowledge.

Kristen Mallory, Aurora, Colorado, spoke in opposition to the item, noting it put special interests before the public and asked why public hearings were not held on the issue. She requested the item be reviewed by committee and the public.

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Nicole Johnston, Aurora, Colorado, spoke in opposition to the item and discussed the necessity for transparency in government particularly as it related to amending the City charter.

Pat Dunn, Aurora, Colorado, spoke in opposition to the item, noting the item was moved forward too quickly with no input from the citizens. She noted the lack of courtesy between council members during their recent study session and requested they dedicate themselves to improving their civility during Council meetings.

John Smolen, Aurora, Colorado, spoke in opposition to the item due to the negative impact of living near a racetrack and the blank check proposal of the item.

Margaret Sobey, Aurora, Colorado, President, Murphy Creek Golf Course (MCGC) Neighbors, spoke in opposition to the item and discussed the lack of input by citizens, the timeframe with which the item went forward and the muddled ballot language.

Randee Webb, Aurora, Colorado, spoke in opposition to the item because of the lack of committee or public review and questioned why City Council was considering a motor sports facility when it was voted down several other times previously.

AMENDMENT I

Motion by Peterson, second by Mounier, to amend the last four lines of the ballot question in Section 2 of the ordinance to read as follows: "*provided that only public funds generated from within the boundaries of the entertainment district may be used to subsidize the development of such venues.*"

Council Member Peterson noted she made the small change to make the language more understandable for the general public.

Council Member Richardson expressed appreciation to Council Member Mounier for her attempt to modify the ballot question. He stated his opposition to the amendment because there was not an entertainment concept at this time, the use of public funds did not only relate to actual money but included public services and the ballot language did not control what could be done in the future. He stated the charter amendment would allow the importation of unlimited public funds.

Council Member Bergan agreed the amendment helped clarify the ballot language. She pointed out this was a vote to remove a targeted industry from the charter, noting other industries were not prohibited in the City. She stated she was not generally in favor of subsidies and has typically spoken against them because she is always conscience of spending taxpayer monies. She pointed out the item would go to a vote of the people and they would decide if it should go forward and if they did, then any public subsidies or funds would have to be approved by City Council. She noted the need for a change in the zoning code to better define an entertainment district and pointed out while noise concerns could be a problem near residences, it should be considered that no residential development was near the proposed location in the City of Aurora.

Voting Aye: Bergan, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

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Voting Nay: Berzins, Richardson

Council Member Cleland stated her opposition to the original motion due to the lack of opportunity to hear from the public or committees which was necessary if there was going to be transparency, the fact that citizens voted against the item 18 months ago, noise concerns from the raceway and the lack of a definition for an entertainment district.

Council Member LeGare pointed out it was the prerogative of the council member who initiated the item to choose to have it bypass committee review if enough City Council voted in support. He stated he was not opposed to the item because the restriction of the charter was put in place by outside interests that did not want a racetrack near their property and the voters agreed at that time. He noted putting the item on the ballot provided the opportunity for those who were opposed or in favor to reflect their opinion in the vote. He stated if the testimony regarding the decline in racing attendance were true then the issue of a racetrack would be a moot point if the item passed.

Council Member Pierce stated his support of the item. He noted he voted in support of the amendment because it clarified the ballot language which could be confusing. He pointed out the question of a racetrack coming to Aurora was a future concern as there were not any proposals at this time. He noted any assistance or incentives to the owners were paid by revenue generated by the project and would not take away from other funding in the City as has been suggested. He stated the discussion of whether or not a racetrack should come to the City of Aurora would take place when and if a developer approached the City with a proposal and asked for incentives, noting that could not happen unless the ballot measure passed and he supported allowing the voters to make that decision.

Council Member Berzins stated it has been suggested to her that she was not pro-business if she did not support the item, noting she has been politely blackmailed and called names in that regard. She confirmed she was pro-business and understood the importance of bringing businesses and jobs into the City of Aurora. She pointed out she was elected to represent Ward III and she would not support the ballot issue because of the lack of process and transparency and the confusing language. She asked staff the deadline for putting something on the ballot.

Mike Hyman, City Attorney, stated the ordinance would have to be adopted by July 24, 2017 in order to meet the September deadline.

Council Member Berzins expressed appreciation to Council Member Mounier and all those who worked on the campaign. She stated she did not understand the urgency in moving the item forward so quickly, noting there should have been at least one meeting to allow for public input. She pointed out the residents of Ward III were not ready to vote on the item because of the lack of information and opportunity to get their questions answered. She stated her support of the entertainment district because of the jobs it would generate and the expanded tax base but having the voters vote on the issue at this time was putting the cart before the horse in her opinion.

Mayor Pro Tem Lawson stated she struggled with the item. She noted she understood voter confusion related to not understanding the ballot question from her work with the Secretary of States' office. She expressed concerns related to how the residents living in Watkins felt about the issue even though they did not reside in Aurora. She agreed it would have been better if the item had more transparency by going through the committee process for more

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review but stated she would support the item because it related to a change in the charter language that would provide the opportunity to possibly have an entertainment district. She noted if it failed then it failed with the voters but if it passed, it would go to City Council and public hearing thereby allowing voters to have a say and influence in what was done with this particular issue. She stated the amendment demonstrated that the City of Aurora was business-friendly and if passed, would open the door for other businesses to come in even though it was not certain what that would look like.

Council Member Mounier pointed out 47,000 votes were cast in the 2015 ballot question that would have removed language that prevented City Council from subsidizing motor sports facilities. She noted the item failed by 1,081 votes because people, particularly those living in southeast Aurora, thought the racetrack was proposed for their backyards. She stated those living in the internal part of the City voted in support of the item which demonstrated the possibility that it could be passed in 2017 so she began to work on the item at that time. She stated her goal was to answer three questions in the ballot language related to whether property taxes would be raised, where a facility could be located and how the citizens would benefit if it passed. She pointed out taxes would not be raised, the area chosen was east of Hudson Road and north of I-70 and was without residences and citizens would benefit by increased jobs. She pointed out NASCAR was the second most popular sport in America after football and the Kansas City Speedway generated 10,000 jobs, a billion dollars in private investments and \$14M in property taxes each year, noting they held 300 events last year which demonstrated that they were diversified which she imagined they would do if they came to Aurora. She pointed out Watkins was located in Adams County and the Aurora City Council could not legislate Adams County provisions. She spoke to the question of transparency by noting the item was discussed at the last City Council study session, the current discussion was televised and would continue to be televised and there were 4.5 months until the vote to address any issues and that was clearly transparency in her view.

Mayor Hogan noted there was testimony that there was a vote in 2009 and asked staff if there was a record of a public vote on this issue in 2009.

Linda Blackston, City Clerk, answered no, noting the record reflected votes in 1999, 2000 and 2015.

Mayor Hogan concurred, noting the initial question on prohibition took place in 1999, the first attempt to remove the prohibition in 2000 and then the second attempt to remove the prohibition was in 2015. He suggested there might have been a council member who wanted to put the item on the ballot but there was no vote. He clarified the City did not provide upfront incentives, noting the only way a developer received an incentive was through performance by building what they said they would build in the way they said they would build it. He cited the Gaylord Hotel as an example, noting the developer would receive a huge incentive but only after they spent \$800M to build the hotel.

Voting Aye: Bergan, Lawson, LeGare, Mounier, Peterson, Pierce, Roth

Voting Nay: Berzins, Cleland, Richardson

Council Member Cleland noted the Council has been divided by this issue and inexcusable comments made as a result. She expressed her hope that they could now put the issues aside and behave like the team of elected officials they were.

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12. **RECONSIDERATIONS AND CALL-UPS**

None

13. **GENERAL BUSINESS**

- a. Consideration of the appointment of one (1) person to the Citizens Water Advisory Committee. STAFF SOURCE: Linda S. Blackston, City Clerk

Motion by Roth, second by Bergan, to appoint Janet Marlow to the Citizens Water Advisory Committee

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

- b. Consideration to appoint three (3) adults and seven (7) youth members along with consideration to reappoint one (1) adult member and one (1) youth member to twoyear terms to the Aurora Youth Commission. STAFF SOURCE: Linda S. Blackston, City Clerk

Motion by LeGare, second by Cleland, to appoint and reappoint those recommended on page 388 of the City Council backup material to the Aurora Youth Commission.

Voting Aye: Mayor Hogan, Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth

14. **REPORTS**

- a. Report by the Mayor

Mayor Hogan announced the appointment of Brian Arnold to the Citizen's Advisory Budget Committee, the Jamaica Child Development Center was put on the National Register of Historic Places, and the H Mart, a local company in Aurora, held a student art contest and gave away \$1000 to those who participated. He discussed the display of public art along the R Line that took place recently in Council Chambers and that not only did the City win the National Mayors Challenge for Water Conservation three years in a row but Aurora residents won the Toyota Prius three years in a row.

- b. Reports by the Council

Council Member Bergan discussed her attendance at the recent Accelerate Colorado trip where she participated in the Aerospace and Defense committee and the Small Business committee where they advocated for the Marketplace Fairness Act, support for Buckley Air Force Base and recognized the enormous economic impact the base has on the area and for the F-35 jets to come to Buckley. She announced the Ward VI Town Hall meeting was scheduled for Wednesday, July 26, 2017 at Heritage Eagle Bend from 6:00 p.m. to 8:00 p.m.

Council Member Cleland announced her decision to not run for her City Council seat next year, noting this would be her last year on City Council after 28 years.

- *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.*

Council Member Pierce discussed his attendance at the recent Arapahoe County Open Space Grant and Shareback Ceremony where the City of Aurora received two grants and \$7.3M in tax money to be used by the Parks, Recreation & Open Space Department (PROS). He expressed appreciation to the voters who renewed the Open Space Tax and to Arapahoe County for administering the program.

Council Member Berzins reminded everyone of the upcoming 7th annual Ward III community outreach picnic scheduled for Saturday, July 15, 2017 at the Bicentennial Park canopy from 11:00 a.m. to 2:00 p.m., noting the free event was reserved for Ward III residents only and would replace the two July Ward III meetings. She discussed her recent tour of Concord Career College where they were in need of dental patients, noting it would be a learning experience for the students and a significant cost reduction for patients.

Council Member Mounier announced the Ward I Town Hall meeting was scheduled for June 20, 2017 at the MLK Library from 6:00 p.m. to 7:30 p.m. where par officers would provide a presentation on home security. She mentioned the recent bench plaque dedication by the Aurora History Museum to Ward I resident Marie Rottler, a dedicated museum volunteer who recently passed away.

Mayor Pro Tem Lawson discussed her attendance at the recent Global Youth Leaders Camp where she spoke on the importance of cultural diversity and at the Immigrant Heritage Month celebration where she presented the proclamation.

15. **PUBLIC INVITED TO BE HEARD**

None

16. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 10:05 p.m.

STEPHEN D. HOGAN, Mayor

ATTEST:
