

## **MINUTES**

### **Regular Meeting – Aurora City Council Monday, July 24, 2017**

#### **CALL TO ORDER – REGULAR MEETING**

Mayor Hogan convened the regular meeting of City Council at 4:00 p.m.

#### **ROLL CALL**

PRESIDING:	Mayor Hogan
COUNCIL MEMBERS PRESENT:	Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth
COUNCIL MEMBERS ABSENT:	None
OFFICIALS PRESENT:	City Manager Noe, City Attorney Hyman, Assistant City Manager Napper, City Clerk Blackston
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	None

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

#### **CONSIDERATION TO RECESS FOR EXECUTIVE SESSION**

Motion by Roth, second by Berzins, to recess for executive session.

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

Abstaining: None

The executive session was recorded pursuant to the requirements of state law.

#### **1. RECONVENE REGULAR MEETING OF JULY 24, 2017 AND CALL TO ORDER**

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

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

3. **INVOCATION** Reverend Tina Yankee, Colorado Council of Churches

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

#### **5. APPROVAL OF THE MINUTES OF THE MEETING OF JULY 10, 2017**

Motion by Mounier, second by Roth, to approve the minutes of July 10, 2017 as presented.

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

Abstained: None

#### **6. CEREMONY**

None

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

Steven Adetomiwa, Aurora, Colorado, discussed the irregularity of the City of Aurora parking code as it related to large vehicles.

Jerry Cunningham & Christopher La Fleur, Event Coordinators of Aurora Pride 2017, discussed the purpose and goals of Aurora Pride 2017 and requested the City allow them to park the Pride float across the street from the AMB for promotional purposes and for clarification regarding the \$5000 fee charged by the City of Aurora.

Mayor Hogan suggested Mr. Cunningham speak with Nancy Freed, Deputy City Manager, to determine those answers.

Mr. Cunningham agreed to do so.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-c**

**General Business**

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Safebuilt Colorado, LLC, Loveland, Colorado in the amount not-to-exceed \$750,000.00 for residential roof inspection services as required for building permit requests for the period through July 31, 2018. (B-4253) STAFF SOURCE: Scott Berg, Chief Building Official, Public Works
- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to I-Kota, Inc., Denver, Colorado in the amount of \$143,123.50 for the Cobblewood Neighborhood G.I.D. Concrete Rehabilitation Project, Project Number 17029. STAFF SOURCE: Lynne Center, Principal Engineer, Public Works
- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Union Pacific Railroad, Omaha, Nebraska in the amount not-to-exceed \$309,471.00 to purchase materials for improvements to eleven (11) railroad crossings. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Tom McMinimee, Manager, Streets Maintenance

Motion by Cleland, second by Mounier, to approve items 9a – 9c with a waiver of reconsideration on 9c.

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

10. **RESOLUTIONS**

- ◆ a. **R2017-45**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise (City) and Park County, Colorado for Lease of Water Storage at Spinney Mountain Reservoir. STAFF SOURCE: Alexandra Davis, Director, Aurora Water
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Motion by Roth, second by Berzins, to approve item 10a.

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

- ◆ b. **R2017-46**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the submission of an application to Great Outdoors Colorado for a grant in the amount of \$2,000,000 for the Triple Creek Trail Construction Project. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Tracy Young, Planning, Design, Construction Manager, Parks, Recreation & Open Space

Motion by Peterson, second by Roth, to approve item 10b with a waiver of reconsideration.

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

- ◆ c. **R2017-47**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to receive the donation of a parcel of land known as parcel 3 of the Buckley Air Force Base compatible use buffer project. STAFF SOURCE: Patricia Schuler, Manager, Parks, Recreation & Open Space

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

Mayor Hogan pointed out this item related to the City's efforts in providing a \$27M buffer around Buckley Air Force Base.

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

#### 11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2017-27**  
PUBLIC HEARING and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, rezoning 11.8 acres more or less at the Northwest corner of East 3rd Avenue and Havana Street from Planned Development Mixed-Use Commercial (PD MU-C), Planned Development Mixed-Use Residential (PD MU-R), and Retail Business District (B-1) to Sustainable Infill Redevelopment (SIR), and amending the zoning map accordingly (FAN FARE REZONE). STAFF SOURCE: Sara Ullman, Planner, Planning & Development Services

Mayor Hogan opened the public hearing on the item.

Sara Ullman, Planner, Planning & Development Services, provided a brief summary of the item, noting it related to a rezone request of 11.8 acres from Planned Development Mixed-Use Commercial (PD MU-C), Planned Development Mixed-Use Residential (PD MU-R), and Retail Business District (B-1) to Sustainable Infill Redevelopment (SIR), and amending the zoning map accordingly to allow for a master planned, mixed-use development.

Council Member LeGare referenced the site illustration and survey found in the backup material and asked if the gas station was included in the project. Ms. Ullman stated it was excluded from the rezoning because it did not need to be rezoned, noting however it was included in the overall vision. Council Member LeGare stated it was included in the drawings

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and plans even though it was not owned by the Aurora Urban Redevelopment Authority. (AURA)

Ms. Ullman concurred.

Council Member Cleland expressed concerns that the City was not being as forward-thinking on this item as she would like.

Ms. Ullman pointed out the zoning allowed for public uses such as fire stations.

Council Member Cleland stated her hope that City Council would look at the calls for service along that corridor.

Mayor Pro Tem Lawson asked the price points for the townhomes and the rental price for the subdivision.

Melissa Rogers, Manager of AURA/Development Services, stated those numbers were not yet finalized. She discussed the market study which proved there was a strong demand for townhomes and rental market rate housing at this location, noting the likely price for the townhomes would be \$400k to \$450k.

Mayor Pro Tem Lawson pointed out that price point was not affordable to many. She expressed her hope that developers would realize that young professionals were being priced out of the market and stated her understanding that the market drove development but lower price points should be considered so that people could grow into their area.

Council Member Peterson asked if there was mainly commercial with a few apartments overhead in the front of the development.

Jim Mercado, representing the applicant, answered affirmatively, noting that was so on the Havana street frontage.

Council Member Peterson asked what was planned for the rear of the site. Mr. Mercado stated the tallest buildings in the back were apartments and then the townhomes transition into the development. Council Member Peterson asked the price point. Mr. Mercado restated Ms. Rogers' comments in that regard. He pointed out there were some apartments located above the retail.

Council Member Berzins stated she was the ward council member for this development, noting the residents were excited about the project.

Council Member LeGare pointed out the recent decision on construction defects and asked if there was a possibility of considering a condo ownership product. Mr. Mercado stated the project's townhomes were similar to condos and were the ownership product without the HOA component. Council Member LeGare pointed out there were deed restrictions on some apartment components that could never be converted into condos and asked if this project would be flexible for possible conversion in the future. Mr. Mercado answered affirmatively.

Stan Olsen, Aurora, Colorado, stated his support of the item.

Mayor Hogan closed the public hearing on the item.

Motion by Berzins, second by Bergan, to introduce item 11a.

Council Member Berzins stated this was the right project for this area and that it was worth waiting for.

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

12. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. **R2017-48**  
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for the 3rd & Havana Metropolitan District and authorizing the execution of Intergovernmental Agreement between the City and the District. STAFF SOURCE Jacob Cox, Project Manager, General Management

Mayor Hogan opened the public hearing on the item and hearing no comment, closed the public hearing on the item.

Motion by Berzins, second by Mounier, to approve item 12a.

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

- ◆ b. **R2017-49**  
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Amended and Restated Consolidated Service Plan for the Painted Prairie Metropolitan District Nos. 1-9 and authorizing the execution of Intergovernmental Agreement between the City and the Districts. STAFF SOURCE: Jacob Cox, Project Manager, General Management

Mayor Hogan opened the public hearing on the item and hearing no comment, closed the public hearing.

Motion by Pierce, second by Bergan, to approve item 12b.

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

- ◆ c. **R2017-50**  
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for the Colfax Sable Metropolitan District and authorizing the execution of Intergovernmental Agreement between the City and the District. STAFF SOURCE: Gary Sandel, Project Manager, General Management

Mayor Hogan opened the public hearing on the item and hearing no comment, closed the public hearing.

Motion by Pierce, second by Roth, to approve item 12c.

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

- ◆ d. **R2017-51**  
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for the Pronghorn Valley Metropolitan District and authorizing the execution of an Intergovernmental Agreement between the City and the District. STAFF SOURCE: Gary Sandel, Project Manager, General Management

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Mayor Hogan opened the public hearing on the item and hearing no comment, closed the public hearing.

Motion by Bergan, second by Lawson, to approve item 12d.

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

Voting Nay: Peterson

- ◆ e. **R2017-52**  
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for Hilltop at DIA Metropolitan District Nos. 1-3 and authorizing the execution of an Intergovernmental Agreement between the City and Hilltop at DIA Metropolitan District Nos. 1-3. STAFF SOURCE: Mark Geyer, Project Manager, General Management

Mayor Hogan opened the public hearing on the item and hearing no comment, closed the public hearing.

Motion by LeGare, second by Bergan, to approve item 12e.

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

Voting Nay: Peterson

- ◆ f. **R2017-53**  
Public Hearing and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for the Parkside at City Centre Metropolitan District and authorizing the execution of Intergovernmental Agreement between the City and the District. STAFF SOURCE: Mark Geyer, Project Manager, General Management

Mayor Hogan opened the public hearing on the item and hearing no comment, closed the public hearing.

Motion by Berzins, second by Mounier, to approve item 12f.

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

Voting Nay: Peterson

### 13. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2017-28**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapters 6, 22 and 146 of the City Code Related to retail marijuana operators and retail marijuana transporters. STAFF SOURCE: Robin Peterson, Manager, Marijuana Enforcement Division

Motion by Roth, second by Mounier, to introduce item 13a.

Terri Velasquez, Finance Director, provided a summary of the item, noting it related to two new licenses for transporting marijuana and operation of marijuana businesses that were not owner-operated recently approved by the State of Colorado, noting inclusion of these licenses would allow the City of Aurora to better regulate those businesses.

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

- ◆ b. **2017-29**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Section 50-37 of the City Code regarding Municipal Court Surcharges. STAFF SOURCE: Dr. Zelda DeBoyes, Court Administrator, Court Administration

Motion by LeGare, second by Berzins, to introduce item 13b.

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

14. **ORDINANCES FOR FINAL**

***For purposes of considering the following item 14a, the City Council will be acting ex officio as the Board of Directors of the Cobblewood General Improvement District 1-2016.***

- ◆ a. **2017-24**  
Consideration for FINAL OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, authorizing the issuance of Cobblewood General Improvement District (No. 1-2016) general obligation bonds, Series 2017, in an aggregate principal amount not exceeding \$935,550, for the purpose of financing the cost of street improvements; providing for the levy of taxes and the application of other legally available funds to pay the principal of and interest on such bonds; authorizing the adoption of one or more supplemental resolutions or final terms certificates in connection with such bonds; and providing other details in connection therewith. STAFF SOURCE: Joseph Scott, Debt & Treasury Senior Analyst, Finance

Motion by Berzins, second by Pierce, to approve item 14a.

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

Voting Nay: Peterson

- ◆ b. **2017-25**  
Consideration for FINAL OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Section 146-2001 and 146-601 of the City Code of the City of Aurora, Colorado regarding congregate living. STAFF SOURCE: George Adams, Director, Planning & Development Services

Deborah Boyd, Aurora, Colorado, expressed appreciation to City Council for their previous vote on the ordinance, noting doing so put children first.

Council Member Peterson expressed appreciation to Ms. Boyd and the neighbors who came together in this regard.

Council Member Mounier asked the Bridge House representatives to consider locating at the AfrikMall in Ward I.

Motion by Peterson, second by Richardson, to approve item 14b.

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

Voting Nay: Cleland, Mounier

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15. **RECONSIDERATIONS AND CALL-UPS**

None

16. **GENERAL BUSINESS**

- a. Consideration of the appointment of one (1) person to the Cultural Affairs Commission. STAFF SOURCE: Linda S. Blackston, City Clerk, General Management

Motion by LeGare, second by Roth, to appoint Diane Rothers to the Cultural Affairs Commission.

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

- b. Consideration of the Reappointment of one (1) person to the Veterans Affairs Commission. STAFF SOURCE: Linda S. Blackston, City Clerk, General Management

Motion by Berzins, second by Mounier, to reappoint Robert O'Riley to the Veterans Affairs Commission.

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

- c. 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

Motion by LeGare, second by Mounier, to approve item 16c.

Rich McLean, Aurora Economic Opportunity Coalition (AEOC), Aurora, Colorado, stated his support of the item, noting the AEOC has partnered with the City of Aurora to bring about Aurora's vision for a dynamic, vibrancy to Dayton Street.

*AMENDMENT I*

Motion by Richardson, second by Peterson, to amend item 16c to allow the contract to be ended with a 30-day notice by a majority vote of City Council.

Council Member Richardson stated he proposed the amendment because this was one of the more controversial leases due to the subject matter.

Council Member LeGare stated he would not support the amendment, noting this was a non-profit entity that required the ability to plan for the future. He pointed out the lease could be terminated if the occupant did not do as they committed to do and it also allowed City Council to terminate funding after a year and he did not want a non-profit to be at the political whim of six council members.

Council Member Richardson stated he could not find a provision that allowed City Council to stop funding at its discretion.

Council Member LeGare stated the provision allowed City Council to choose not to renew the lease at the end of the lease term if the tenant did not perform as promised.

Council Member Bergan stated she would support the amendment because it was responsible due diligence on the City's part for something that was new to the City.

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Mayor Hogan offered a friendly amendment of 45 days rather than 30 days.

*VOTE ON AMENDMENT I*

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

Voting Nay: LeGare, Pierce, Mounier

Council Member Peterson stated she had not supported the purchase and repair of the building and would not support leasing of the building because it was a waste of taxpayer dollars, was counterproductive to the revitalization of the arts district and did not support the recent vote of the City of Aurora not being a Sanctuary City.

Council Member Berzins stated the parking lot and the building cost \$400k and both would be left to the City once the day laborer location could be found and moved so this was not a bad deal. She noted in addition, the day laborers would not be present during evening hours and the parking lot would be used for the arts district.

Council Member Richardson expressed concerns regarding the lack of information provided in the backup material such as the public financial impact which was up to \$10k. He suggested even small figures of taxpayer dollars should be treated as important and should be included.

Council Member Berzins stated her support of the item because it was only a one-year lease that would return to City Council for review. She requested a report on the success of the item be provided to City Council at that time.

Council Member Bergan asked if the coalition had a business plan for the day laborer center. Council Member Mounier stated it would be modeled after the Denver day laborer site, El Centro Humanitario. She discussed the day laborer process and plan in that regard, noting a business plan would be put together once the lease was approved. Council Member Bergan suggested that when working with a non-profit, it was responsible to have the business plan in place prior to the lease. She pointed out the City was offering \$10k in insurance and asked if this had been done before in the City with non-profits.

Jason Batchelor, Deputy City Manager, stated the City required non-profits to have insurance and therefore offered to provide it in this instance for one year to ensure they had insurance.

Council Member Peterson stated the insurance was provided for the first year with the expectation that they would pay their own insurance after that.

Mr. Batchelor stated that would be evaluated after one year when the City had a better idea of the overall business plan.

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

Voting Nay: Bergan, Lawson, Peterson

17. **REPORTS**

a. Report by the Mayor

Mayor Hogan discussed his attendance at the recent AmeriCorps class of 2017 graduation, the 7/20 vigil and a meeting called by Senator Cory Gardner regarding the proposed defense authorization bill amendment.

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b. Reports by the Council

Mayor Pro Tem Lawson announced the At-Large Town Hall meeting was scheduled for Thursday, July 27, 2017 at the Aurora Central Library Community Room where transportation issues would be discussed.

Council Member Mounier announced the Ward I Town Hall meeting was scheduled for Tuesday, August 15, 2017 at the MLK Library at 6:00 p.m. where a presentation would be provided on how to handle an active shooter situation.

Council Member Berzins discussed the success of the recent Ward III 7<sup>th</sup> Annual community picnic and announced the upcoming outreach event scheduled for Thursday, July 27, 2017 at the Aurora Center for Active Adults at 5:30 p.m. where 140 backpacks would be stuffed for 130 homeless children in Aurora. She stated the same presentation on an active shooter situation was planned for the Ward III August Town Hall meeting which would also be held at the Aurora Center for Active Adults.

Council Member Pierce congratulated the Aurora Water Department on their receipt of the highly prestigious US Water prize from the US Water Alliance.

Council Member Cleland commended Channel 9 on their outstanding efforts with the recent 7/20 vigil and police officer/first responder interviews.

Council Member LeGare commended the City Clerk's office for their efforts in accurately recording all of the discussion related to the congregate living issue discussed at the July 10, 2017 City Council meeting.

Council Member Peterson stated the day shelter at Fitzsimons was now open from 7:30 a.m. to 4:30 p.m., noting they provided breakfast and lunch sacks.

Council Member Roth announced the Ward V Town Hall meeting was scheduled for Tuesday, August 22, 2017 at Shalom Cares where the four City appointees; the City Manager, City Attorney, Chief Judge and Court Administrator, would be present to talk about what they did in the City.

Council Member Bergan announced the Ward VI Town Hall meeting was scheduled for Wednesday, July 26, 2017 at Heritage Eagle Bend at 6:00 p.m. where Kevin Hougen, Chamber of Commerce President, would be present to discuss economic development in Aurora.

Council Member Richardson discussed the public input portion of the planning code review.

18. **PUBLIC INVITED TO BE HEARD**

None

19. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 8:58 p.m.

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STEPHEN D. HOGAN, Mayor

ATTEST:

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