

## **MINUTES**

### **Regular Meeting – Aurora City Council Monday, July 25, 2016**

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

Mayor Hogan convened the regular meeting of City Council at 5:00 p.m.

#### **ROLL CALL**

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| PRESIDING:                                   | Mayor Hogan  |
| COUNCIL MEMBERS PRESENT:                     | Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth      |
| COUNCIL MEMBERS ABSENT:                      | None   |
| OFFICIALS PRESENT:                           | Deputy City Manager Freed, City Attorney Hyman<br>Assistant City Manager/City Clerk Napper |
| COUNCIL MEMBERS ARRIVING<br>AFTER ROLL CALL: | None   |

Assistant City Manager/City Clerk Janice Napper announced the proposed items for discussion at executive session.

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

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

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

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

#### **1. RECONVENE REGULAR MEETING OF JULY 25, 2016 AND CALL TO ORDER**

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

#### **2. ROLL CALL**

|                          |   |
|--------------------------|---|
| PRESIDING:               | Mayor Hogan   |
| COUNCIL MEMBERS PRESENT: | Bergan, Berzins, Cleland, Lawson, LeGare, Mounier, Peterson, Pierce, Richardson, Roth       |
| COUNCIL MEMBERS ABSENT:  | None  |
| OFFICIALS PRESENT:       | Deputy City Manager Freed, City Attorney Hyman,<br>Assistant City Manager/City Clerk Napper |

#### **3. INVOCATION      Chaplain Candace Boyd, MDiv - Craig Hospital**

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

#### **5. APPROVAL OF THE MINUTES OF THE MEETING OF JULY 11, 2016**

Motion by Roth, second by Mounier, to approve the minutes of July 11, 2016 as presented.

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

#### **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.*

- a. Presentation of Congressional Record to Commemorate 125<sup>th</sup> Anniversary of the City of Aurora, Colorado - Congressman Mike Coffman – Mayor Hogan

Mayor Hogan invited Congressman Mike Coffman to come forward. Congressman Coffman presented Mayor Hogan and the City of Aurora with the Congressional Record commemorating Aurora's 125<sup>th</sup> anniversary. Mayor Hogan and Council Members Bergan, Cleland, Roth and Mayor Pro Tem Peterson expressed appreciation to Congressman Coffman for the honor and for his service to Aurora.

- b. Special recognition by the Wyland Foundation regarding Aurora's success in the National Mayor's Challenge for Water Conservation – Mayor Hogan

Mayor Hogan invited Steve Creech, Executive Director, Wyland Foundation, Rhonda Glasscock, Toyota and Karen Matsuyama, Social Innovation, Toyota, to come forward to present the recognition. Mr. Creech and Ms. Glasscock discussed the recognition and expressed appreciation to the City of Aurora on their success in the water conservation challenge.

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

None

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-g**

**General Business**

- a. Consideration to AWARD A SINGLE SOURCE CONTRACT to HB&A LLC, Colorado Springs, Colorado in the amount of \$206,802.00 for architectural services associated with improvements to thirteen (13) fire stations. STAFF SOURCE: Elly Watson, Manager of Business Services, Public Works

Council Member Richardson raised concerns regarding items 9a and 9c being mischaracterized as single source contracts when in fact they were not. He requested the appropriate committee review the contract terms as they related to the language '*reduced total cost approach*'.

Mayor Hogan asked Nancy Freed, Deputy City Manager, to review that issue. H

Ms. Freed asked Council Member Richardson if he wanted a review of the entire contract process. Council Member Richardson answered no, noting his concern related to the specific language of reduced total cost approach.

Motion by Richardson, second by Cleland, to approve item 9a.

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

- b. Consideration to AWARD OPENLY SOLICITED CONTRACTS to RNL Design, Denver, Colorado in the amount of \$422,260.00 for providing Water & Central Facilities Master Plan Consulting Services (Request for Proposals R-1777). STAFF SOURCE: Elly Watson, Manager of Business Services, Public Works

Motion by Roth, second by Bergan, to approve item 9b.

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

- c. Consideration to AWARD A SINGLE SOURCE CONTRACT to Colorado Hardscapes, Denver, Colorado in the amount of \$613,384.00 for the Repair of West Entrance Plaza at the Municipal Justice Center, Project Number 5529A. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Lynne Center, Facilities Project Delivery Manager, Public Works

Council Member Cleland urged City Council to vote in support of the item.

Motion by Cleland, second by LeGare, to approve item 9c with a waiver of reconsideration.

Council Member Bergan expressed concerns related to why the item did not go out for an RFP when other companies could do the same work and asked if the repair contract was a result of someone slipping on the existing surface.

Lynne Center, Facilities Project Delivery Manager, Public Works, gave a brief overview of the item, noting the condition of the courthouse steps was very poor and continued to deteriorate and this repair would prolong the life of the underlying slab and would provide more safety for visitors when it was wet.

Council Member Bergan noted the contract was awarded to the contractor because of their unique ability to remedy the underlying situation and not just the surface.

Ms. Center concurred.

Council Member Roth withdrew his second and recused himself from the vote because his firm was being considered to work on a small electrical part of the project.

Council Member LeGare provided the substitute second for the motion.

Motion by Cleland, second by LeGare, to approve item 9c with a waiver of reconsideration.

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

Abstaining: Roth

- d. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Huitt-Zollars, Inc., Denver, Colorado in the not-to-exceed amount of \$83,561.00 for design and construction administration services for the Police District 2 N. Parking Area Fence and Gates Project. R-1782 STAFF SOURCE: Lynne Center, Facilities Project Delivery Manager, Public Works
- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Ameron Pole Products, LLC, Tulsa, Oklahoma, in the amount of \$128,750.73 for the purchase of traffic signal mast arms, poles, and installation hardware, Bid Number B-4178A. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Victor Rachael, Principal Engineer, Public Works
- f. Consideration to AWARD A SINGLE SOURCE CONTRACT to Conlin Associates, Leadville, Colorado in the total amount of \$77,270.00 for professional consulting services in support of Water projects in the Upper Arkansas Basin through December 2017. STAFF SOURCE: Gerald Knapp, Regional River Basin Program Manager, Aurora Water

Motion by Roth, second by Bergan, to approve items 9d, 9e with a waiver of reconsideration and 9f.

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

**Final Ordinances**

- ◆ g. **2016-29**  
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, to rezone 1.20 acres more or less at the Northwest corner of Dayton Street and 23rd Avenue from M-1 (Light Industrial District) to SIR (Sustainable Infill and Redevelopment District) (2301-2323 Dayton Street Rezone) STAFF SOURCE: Sarah Wieder, Planner I, Planning & Development Services

Motion by Mounier, second by Berzins, to approve item 9g.

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

10. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. **R2016-56**  
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for Gardens at East Iliff Metropolitan District, and authorizing the execution of the Intergovernmental Agreement between the City and Gardens at East Iliff Metropolitan District. STAFF SOURCE: Mark Geyer, Development Project Manager, General Management

Mayor Hogan opened the public hearing on the item.

Mark Geyer, Development Project Manager, General Management, provided a brief summary of the item, noting it related to a metropolitan district which was a funding mechanism developers used to gain favorable rates while building the infrastructure for their project.

Mayor Hogan closed the public hearing on the item.

Motion by LeGare, second by Roth, to approve item 10a.

Mayor Pro Tem Peterson stated she rarely voted to support metro districts because of the burden the metro district fees put on taxpayers that in turn prevented them from supporting cost increases for road maintenance and other vital projects in the City.

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

Voting Nay: Peterson

- ◆ b. **R2016-57**  
PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the service plan for Bristol Metropolitan District, and authorizing the execution of the Intergovernmental Agreement between the City and Bristol Metropolitan District. STAFF SOURCE: Mark Geyer, Development Project Manager, General Management

Mayor Hogan opened the public hearing on the item.

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Mark Geyer, Development Project Manager, General Management, provided a brief summary of the item, noting it related to the creation of a metropolitan district which was a funding mechanism developers used to gain favorable rates while building the infrastructure for their project.

Mayor Hogan closed the public hearing on the item.

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

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

Voting Nay: Peterson

- ◆ c. **R2016-58**  
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 Murphy Creek Metropolitan District Nos. 1-4, the service plan for Murphy Creek Metropolitan District No.5, and authorizing the execution of the amended and restated Intergovernmental Agreement between the City and Murphy Creek Metropolitan Districts Nos. 1-5. STAFF SOURCE: Mark Geyer, Development Project Manager, General Management

Mayor Hogan opened the public hearing on the item and asked staff to provide a brief summary of the item.

Mark Geyer, Development Project Manager, General Management, did so, noting it related to the Murphy Creek Metropolitan district that differed from the previous two special districts because it amended and updated the existing District 4.

Council Member Pierce discussed the fee changes and tax reductions as a result of this item and asked staff if any tax increases were associated with the item. Mr. Geyer answered no, noting a TABOR item went along with this item.

Council Member Bergan asked if the item would go before the voters in District 3. Mr. Geyer agreed the TABOR item would but not the service plan.

Mayor Pro Tem Peterson reiterated her reasoning behind her lack of support for metro districts.

Jennifer Tanaka, Attorney for the applicant, stated she was present to answer any questions posed by City Council.

Council Member Pierce asked Ms. Tanaka to speak to the TABOR question. Ms. Tanaka did so, stating a mill levy increase was anticipated to replace the fee.

Margaret Sobey, Aurora, Colorado, stated her opposition to amending the service plan due to the lack of eligibility of board members to serve and collection of amenity and service fees as a percentage of property values.

Ms. Tanaka addressed Ms. Sobey concerns related to board member eligibility.

Council Member Bergan asked for clarification regarding the percentage of property taxes being higher than fees currently paid. Ms. Tanaka stated a per property analysis based upon

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taxes versus fees was done and it was determined that approximately 400 properties would have a slight increase in fees and one property might see an increase of \$200.

Mayor Hogan closed the public hearing on the item.

Janice Napper, Assistant City Manager/City Clerk, noted there was an additional speaker that was not a part of the applicant's team.

Mayor Hogan reopened the public hearing on the item.

Ernest Wagner, Jr., Aurora, Colorado, noted he would be taxed through the metro district but could not vote on the issue because his property was held in trust. He asked for direction in this regard.

Mayor Hogan asked staff to speak to Mr. Wagner's issue.

Mike Hyman, City Attorney, did so, noting under the Special District Control Act Title 32, Article I, which was enacted by the General Assembly in the Colorado legislature, determined the voting requirements for this type of government. He suggested Mr. Wagner speak with his state representatives.

Mayor Hogan listed Sue Ryden as Mr. Wagner's state representative and Senator Morgan Carroll as his state senator. He asked Jason Batchelor, Deputy City Manager, to speak with Mr. Wagner in this regard.

Mr. Wagner asked the purpose of the law. Mayor Hogan stated the law was not passed by City Council, noting special district legislation was not unique to Colorado. He stated his assumption that the original legislators took language from another state and brought it to the state legislature.

Harvey Alpert, Murphy Creek Development LLC, stated he was present to answer any questions posed by Council that related to his issues with Michael Sheldon. He noted his issues with Mr. Sheldon were of a personal financial matter and stated his hope that a site plan to develop the south side of Murphy Creek would soon be forthcoming. He pointed out the metro district approval was a part of that development.

Council Member Bergan asked Mr. Alpert if he was opposed to the item being delayed. Mr. Alpert answered affirmatively.

Council Member LeGare stated he received a phone call from Mr. Sheldon in this regard.

Mayor Pro Tem Peterson stated she did not hear from Mr. Sheldon or Mr. Alpert regarding this matter, noting she would have liked to have heard from Mr. Alpert sooner.

Mr. Alpert stated applicants were not allowed to approach City Council when they had an item under consideration.

Mayor Hogan closed the public hearing.

Council Member Richardson asked Mr. Hyman if this item would require an election. Mr. Hyman stated it would be necessary for the special district to conduct an election amongst the residents in District 3 to consider whether or not to approve a tax levy on a coordinated ballot process with county clerks or through a district election.

Ms. Tanaka concurred, noting there would be five different elections through a coordinated ballot with the county.

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Mr. Hyman asked if the organizational election for District 5 would include the court order to order the election. Ms. Tanaka answered affirmatively.

Council Member Richardson asked if it were possible to put a waiver of reconsideration on a resolution. Mr. Hyman answered affirmatively.

Motion by Richardson, second by Berzins, to defer item 10c to the August 8, 2016 City Council meeting.

Council Member Richardson expressed appreciation to those who raised questions related to special districts, noting the process was very complicated. He stated his request for a written legal opinion on the item.

Council Member Cleland concurred.

Mayor Pro Tem Peterson asked if the deferral would provide enough time to move forward with the election. Ms. Tanaka answered affirmatively.

Council Member LeGare stated he would support the deferral because he had not seen a case related to metro districts where citizens had so many unanswered questions.

Voting Aye: Berzins, Cleland, LeGare, Mounier, Peterson, Pierce, Richardson

Voting Nay: Bergan, Lawson, Roth

## 11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. **2016-34**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapter 134 of the City Code of the City of Aurora, Colorado, relating to parking and mobility. STAFF SOURCE: Robert Ferrin, Parking Program Manager, Public Works

### *ORIGINAL MOTION*

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

John Treinen, Aurora, Colorado, expressed appreciation to staff for their efforts in this regard and spoke in favor of the item.

### *AMENDMENT I*

Motion by Richardson, second by Peterson, to amend item 11a to change the time period for towing standing or unattended vehicles from five days to seven days.

Council Member Roth asked staff to speak to the original change from three days to five days.

Robert Ferrin, Parking Program Manager, Public Works, stated the best practice nationally was typically three days, noting staff chose five days to give non-registered vehicle owners a few extra days.

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Council Member LeGare asked Council Member Richardson if seven days applied to inoperable vehicles only. Council Member Richardson answered affirmatively.

Mayor Pro Tem Peterson stated seven days made sense.

Council Member Mounier pointed out the time did not start until the vehicle was marked.

*VOTE ON AMENDMENT I*

Voting Aye: Mayor Hogan, Berzins, Lawson, LeGare, Peterson, Richardson

Voting Nay: Bergan, Cleland, Mounier, Pierce, Roth

*VOTE ON ORIGINAL MOTION AS AMENDED*

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

Voting Nay: Peterson

- ◆ b. **2016-35**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending various sections of Chapter 54 of the City Code of the City of Aurora, Colorado, related to elections. STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management

Motion by LeGare, second by Peterson, to approve item 11b.

*AMENDMENT I*

Motion by LeGare, second by Bergan, to amend the proposed definition of 'Independent Expenditure Committee' in Section 54-2.

Council Member Richardson stated he would not support the amendment. He asked staff if there was a definition for a 'non-natural person' in City code.

Karen Goldman, Deputy City Clerk, General Management, answered no.

Council Member LeGare asked staff to define a 'non-natural person.'

Mike Hyman, City Attorney, referenced sub-section I(6) in the ordinance which defined 'person' as any natural person and then included a list of other types of people as entities, noting a non-natural person would be those included on the list of other entities as opposed to an individual human being.

Council Member Richardson asked Ms. Goldman if it was fair to say that election laws were regularly reviewed and amended as needed. Ms. Goldman answered affirmatively.

Council Member Berzins asked for an example of an independent expenditure committee. Ms. Goldman stated an independent expenditure committee was a person or a group of people who either supported or opposed a candidate and made a contribution for a certain purpose without coordinating with the candidate.

*VOTE ON AMENDMENT I*

Voting Aye: LeGare, Peterson, Pierce, Roth

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Voting Nay: Bergan, Berzins, Cleland, Lawson, Mounier, Richardson

Council Member LeGare stated he had planned to make a motion to amend the item related to sanctions but has since realized there was no way for the City to enforce those sanctions and therefore he decided to not make an additional amendment.

*VOTE ON ORIGINAL MOTION*

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

Voting Nay: LeGare

12. **ORDINANCES FOR FINAL**

- ◆ a. **2016-30**  
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 proposed Cobblewood General Improvement District (No. 1-2016) at the regular municipal election of November 8, 2016, a question authorizing the organization of the district, the issuance of district bonds to provide street improvements, and the levy of property taxes to fund debt service on such bonds. STAFF SOURCE: Kevin Wegener, Deputy Director Public Works Engineering, Public Works

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

Council Member Berzins commended the Cobblewood residents for taxing themselves to get the job done.

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

Voting Nay: Peterson

- ◆ b. **2016-31**  
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending the Stapleton-Aurora General Development Plan to allow a waiver in planning area 2, generally located North of 25th Avenue from Westerly Creek to Peoria Street, City of Aurora, County of Adams, State of Colorado (Stapleton - Aurora GOP Amendment Waiver). STAFF SOURCE: Stephen Rodriguez, Planning Supervisor, Planning and Development Services

Council Member Lawson stated she would vote to support the item even though her previous vote was in opposition. She noted at the time of the previous vote, she did not think the item met City standards but has since learned the item fit Stapleton standards.

Council Member Cleland stated she would not vote in support of the item because lessening the brick standard along with the amount of incentives was not a good idea.

Mayor Pro Tem Peterson stated she did like the project but did not like waiving the brick requirement therefore she would not vote to support the item.

Council Member Roth discussed the development of the City's masonry standards and stated he would support the item because it was in keeping with the architectural standards of the neighboring communities.

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Council Member Bergan concurred, noting she would support the item because the development met the standards of the area.

Motion by Mounier, second by Richardson, to approve item 12b.

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

Voting Nay: Cleland, Peterson, Pierce

13. **PLANNING MATTERS**

- a. PUBLIC HEARING to consider an APPEAL of the Planning Commission's decision to deny a sign waiver request for Medical Center of Aurora located at 22500 East Dry Creek Road in Aurora, Colorado. (Case Number 2012-6022-01) STAFF SOURCE: Anthony Avery, Planner I, Planning & Development Services

Mayor Hogan opened the public hearing on the item.

Anthony Avery, Planner I, Planning & Development Services, gave a brief summary of the item, noting it related to a request to appeal the Planning Commission decision for a sign waiver to allow a 40 foot tall sign at the intersection of E-470 and Gartrell Road.

Mayor Pro Tem Peterson asked for a photograph of the sign. Mr. Avery directed Council to the photo renderings of the sign.

Council Member Pierce noted the sign code allowed for waivers to be granted if the increase did not exceed ten percent of the overall signage on the site and asked staff the percentage of the sign increase in this case. Mr. Avery stated the increase was 163 percent above what was allowed on the site. Council Member Pierce asked staff to speak to the additional sign waivers extended for this site. Mr. Avery did so. Council Member Pierce asked if the proposed sign would be animated. Mr. Avery stated there was a proposal for the sign to have a video component.

Council Member Mounier asked City Council to think about a parent taking their child to the emergency room going 65 mph along E-470, noting it was necessary to see the emergency room entrance sign. She stated the Medical Center has determined it required the sign and she agreed.

Ryan Simpson, CEO, Medical Center of Aurora, gave a presentation of the item, noting the height waiver related to the necessary placement of the sign and the inability to see the sign from E-470 southbound due to the topography of the site.

Council Member LeGare stated it appeared the display board would not be as visible as the emergency room notification section would be.

Mr. Simpson concurred.

Council Member LeGare asked if the display board would be seen from E-470. Mr. Simpson stated it would depend on the sight line because it was the Medical Center's intent for the sign to be visible from both directions. Council Member LeGare asked Mr. Simpson to speak to the level of care provided by the Medical Center emergency room. Mr. Simpson did so. Council Member LeGare asked if patients were screened for insurance. Mr. Simpson answered no, noting they were screened for the need for emergency care.

Council Member Bergan asked Mr. Simpson to speak to the display board in terms of mitigating brightness, hours and purpose. Mr. Simpson did so, noting the primary intention was to promote the facility.

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Council Member Pierce expressed concerns regarding the animation and asked Mr. Simpson if removing the animation could be considered. Mr. Simpson answered affirmatively.

Mayor Hogan closed the public hearing on the item.

Council Member Pierce asked staff if a site plan note that restricted animation on the sign could be a part of the approval.

Mike Hyman, City Attorney, answered affirmatively.

Council Member Cleland stated her support of the item because the sign waivers were in place for this reason.

Council Member Roth discussed the value of the public hearing process and stated he would vote to support the item. He echoed Council Member Pierce's idea to restrict the animation on the sign.

Council Member Bergan stated she would support the item because this was a regional medical center with an emergency room and there was the need to place the sign at an increased elevation due to the unique topography of the slope.

Council Member Richardson stated his opposition to a council member stating support for an item based on whether or not a change was made. He asked if there was a way to reject the animation restriction on the sign. Mayor Hogan stated Council Member Pierce made the request of the applicant but did not make a motion in that regard and a vote to approve a motion to deny the restriction would be required.

Council Member Richardson asked the applicant if it was his intention to have an animated sign. Mr. Simpson answered affirmatively. Council Member Richardson expressed concerns regarding single council members surprising applicants into making concessions.

Council Member LeGare stated his support of the sign waiver as well as the animation restriction on the sign. He asked Council Member Pierce if it was his intention to remove the electronic display board. Council Member Pierce answered affirmatively. Council Member LeGare asked the applicant if it was his intention to remove the reader board. Mr. Simpson stated the purpose of the animated reader board was to display wait times, noting his preference would be to limit the reader board to that information only rather than having the board removed altogether.

Mayor Pro Tem Peterson asked Council Member Pierce to speak to his concern with the animated reader board. Council Member Pierce stated his concern related to the negative impact of the sign on the neighbors to the west, noting he was not opposed to the sign displaying the wait time. Mayor Pro Tem Peterson asked if the sign could be seen from the east and the west. Mr. Simpson answered affirmatively. Mayor Pro Tem Peterson asked if the sign could be designed to only be seen from the east. Mr. Simpson stated the intent was for it to be seen from both directions. Mayor Pro Tem Peterson stated the wait time was not relevant because the person in the most need of emergency care would be attended to first.

Mr. Simpson concurred, noting the amount of patient volume impacted the wait time and every effort was made for people to be seen in as timely a manner as possible.

Council Member Cleland asked the distance of the homes from the sign. Mr. Avery stated approximately 100 yards. Council Member Cleland asked if anything was proposed to be built in the 300 feet area around the sign. Mr. Simpson stated the original master plan did include a medical office building to be built between the sign and the residential to the west. Council Member Cleland stated it was nice to know wait times at an emergency room, noting she did not think the residents would notice the sign.

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Council Member LeGare stated the elimination or limitation of the reader board helped to solidify the notion that this was not a precedent-setting waiver.

Council Member Berzins stated her support of the waiver, noting it was a public safety issue because it was important for an emergency room sign to be placed high enough for drivers to read.

*ORIGINAL MOTION*

Motion by Cleland, second by Bergan, to approve item 14a.

*AMENDMENT I*

Motion by Pierce, second by Roth, to amend item 14a to limit the reader board to display wait times only.

Council Member LeGare requested a friendly amendment that the reader board be limited to the display of wait times or items that relate specifically to the emergency room.

Council Member Pierce asked what those specific items would be. Council Member LeGare stated he would withdraw his friendly amendment.

Council Member Richardson stated his opposition to the amendment because he did not think government should regulate what was displayed on a sign.

Council Member Cleland asked if City Council had the legal right to limit the sign's content.

Mr. Hyman stated there were conditions that could be imposed upon approval to grant a waiver for a sign but there was a problem with limiting the content of the sign due to a possible violation of the First Amendment. He noted such a limit could not be enforced.

Council Member Pierce withdrew his amendment and Council Member Roth withdrew his second.

*VOTE ON ORIGINAL MOTION*

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

14. **RECONSIDERATIONS AND CALL-UPS**

None

15. **GENERAL BUSINESS**

- a. Consideration of the appointment of two (2) persons to the Aurora Fox Arts Center Board. STAFF SOURCE: Karen Goldman, Deputy City Clerk, General Management

Motion by Peterson, second by Bergan, to appoint Deb Washington and Barbara Thomas to the Aurora Fox Arts Center Board.

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

16. **REPORTS**

- ◆ *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.*

a. Report by the Mayor

Mayor Hogan discussed his attendance at the recent AmeriCorps NCCC ribbon-cutting event and welcomed AmeriCorps NCCC to the City of Aurora.

b. Reports by the Council

Council Member Richardson discussed the monthly column he wrote entitled *Lake Aurora Begon* in the Heather Ridge publication.

Council Member Bergan announced the Ward VI Town Hall meeting scheduled for Thursday, July 28, 2016 at Heritage Eagle Bend clubhouse from 6:00 p.m. to 8:00 p.m. where budget and development presentations would take place. She noted the next Ward VI Town Hall meeting was scheduled for Wednesday, September 28, 2016 at the Tallyn's Reach Library.

Mayor Pro-Tem Peterson discussed the success of the recent 7/20 prayer vigil hosted by the City's faith-based community as well as the success of the communities of color meeting regarding how to keep Aurora Police and residents safe, noting the discussion would continue in October 2016.

Council Member Cleland expanded on Mayor Pro Tem Peterson's comments on the success of the Human Relations Commission and NAACP meeting and expressed appreciation to Division Chief Vanessa Wilson for her efforts in this regard. She noted comments were made that more minority firefighters and police officers were needed and suggested those interested in applying should submit an application.

Council Member Berzins discussed the success of the recent Ward III picnic and expressed appreciation to the Aurora Hills Golf Course Tin Cup restaurant, Steven Roberts Original Desserts, McAlister's Deli and everyone who attended.

Council Member Mounier concurred, noting the picnic was a joint Ward I and III picnic and Ward I was well represented. She announced the opening of the Big Wonderful at the Stanley Marketplace scheduled for Saturday, September 3, 2016 from noon to 8:00 p.m.

Council Member Lawson expressed appreciation to Aurora Police Officers Alexander Graham and Rob Regan for their professionalism when assisting with a car accident she was in recently.

17. **PUBLIC INVITED TO BE HEARD**

None

18. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 10:06 p.m.

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STEPHEN D. HOGAN, Mayor

ATTEST:

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JANICE NAPPER, City Clerk

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