

**MINUTES**

**Regular Meeting – Aurora City Council  
Monday, October 10, 2016**

**CALL TO ORDER – REGULAR MEETING**

Mayor Hogan convened the regular meeting of City Council at 4:15 p.m.

**ROLL CALL**

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

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

**CONSIDERATION TO RECESS FOR EXECUTIVE SESSION**

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

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

Voting Nay: Richardson

Abstaining: None

1. **RECONVENE REGULAR MEETING OF OCTOBER 10, 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:	City Manager Noe, City Attorney Hyman, Assistant City Manager/City Clerk Napper

3. **INVOCATION** Renie Peterson, Aurora City Council

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 26, 2016**

Motion by Bergan, second by Lawson, to approve the minutes of September 26, 2016 as amended in relation to the Hampden Town Center public hearing.

◆ *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 Richardson expressed his hope that the amended minutes would reflect the applicant's position that the 90-day termination period had not legally started.

Mayor Hogan concurred.

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

Abstained: None

6. **CEREMONY**

- a. Swearing in of newly appointed Boards and Commission members – Presiding Judge Shawn Day

Presiding Judge Shawn Day administered the oath of office to the board and commission members. Mayor Hogan and City Council congratulated the members and thanked them for their service to Aurora. Each expressed appreciation for the appointment.

<u>Name</u>	<u>Board or Commission</u>
Ebelym Garcia	Aurora Youth Commission
Emmanuel Sogunle	Aurora Youth Commission
Langston Kelly	Aurora Youth Commission
Lukas Keller	Aurora Youth Commission
Leslie Ramos Chavez	Aurora Youth Commission
Joseph Lewis	Aurora Youth Commission
William McCartin	Aurora Youth Commission
Garland Osborne	Civil Service Commission
Nancy O'Shields	Golf Course Advisory Committee
Ruth Fountain	Historic Preservation Commission
Wesley Nicholson	Judicial Performance Commission
Sheryl Eddings	Library Board

- b. Proclamation declaring October 2016 as Conflict Resolution Month – Mayor Hogan

Mayor Hogan invited Senator Linda Newell to come forward to accept the proclamation. Mayor Hogan read the proclamation declaring October 2016 as Conflict Resolution Month. Senator Newell expressed appreciation for the proclamation.

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

Thiago Cross, Aurora, Colorado, representing the Standing Rock Sioux Tribe, discussed water rights in North Dakota and stated his plan to send City Council a proposal for resolution and support in this regard.

Endale Getahun, Aurora, Colorado, community organizer in the Ethiopian community, provided an update on the establishment of an Ethiopian radio station in Aurora. He expressed appreciation to Aurora Public Schools, Mayor Hogan and Council Members Lawson and Richardson for their support and help in this regard.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-f**

- ◆ *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.*

### **General Business**

- a. Consideration to APPROVE THE CONTRACT EXTENSION for investment advisory services with Insight Investment (formerly Cutwater Asset Management). STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance
- b. Consideration to APPROVE THE FIRST AMENDMENT to Option to Lease and Site Lease Agreement with NCWPCS MPL 26-YEAR SITES TOWER HOLDINGS LLC for the cell tower and facilities located at Smoky Hill and Buckley Roads. STAFF SOURCE: Thomas Ries, Manager of Water Operations and Maintenance, Aurora Water
- c. Consideration to AWARD A SINGLE SOURCE CONTRACT to Stone Security LLC, Salt Lake City, Utah in the total amount of \$50,994.00 to purchase and install security cameras for the Detention Center. STAFF SOURCE: Dr. Zelda DeBoyes, Court Administrator
- d. Consideration to EXTEND A COMPETITIVELY BID CONTRACT with W. L. Contractors, Inc., Arvada, Colorado in the amount of \$485,147.00 for the 2016 Traffic Signal Construction Services Project, Project Number 16015A. STAFF SOURCE: Victor Rachael, Principal Engineer, Public Works

Motion by Roth, second by Bergan, to approve items 9a – 9d.

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

### **Final Ordinances**

- ◆ e. **2016-45**  
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, repealing Section 2-588 of the City Code of the City of Aurora, Colorado, regarding the establishment of special revenue abatement fund. STAFF SOURCE: Nancy Wishmeyer, Controller, Finance
- ◆ f. **2016-46**  
Consideration for ADOPTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, to amend the Hampden Town Center General Development Plan to remove the limitation on minimum unit size over the parcels described as Tract B Filing 1, lot 1 Block 3 Filing 5, Lot 3 Block 1 Filing 6, and Lot 4 Block 1 Filing 6, generally located North of I-225 between Boston Avenue and Dallas Street in the cities of Aurora and Greenwood Village, County of Arapahoe, State of Colorado (Hampden Town Center GDP Amendment) STAFF SOURCE: Anthony Avery, Planner I, Planning & Development Services

Motion by Roth, second by Berzins, to approve items 9e and 9f.

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

### 10. **RESOLUTIONS**

- ◆ a. **R2016-74**  
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, and Todd Creek Village Metropolitan District for Delivery of Reusable Raw Water. **STAFF REQUESTS A**
- ◆ *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.*

**WAIVER OF RECONSIDERATION.** STAFF SOURCE: Lisa Darling, Regional River Basin Program Manager, Aurora Water

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

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

Voting Nay: Richardson

- ◆ b. **R2016-75**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the submission of an application along with other members of the Northeast Metro Coalition to Great Outdoors Colorado for a grant in the amount of \$5,000,000 to partially fund the inspire initiative project. **STAFF REQUESTS A WAIVER OF RECONSIDERATION.** STAFF SOURCE: Jenna Katsaros, - Parks & Open Space Special Projects Coordinator, Parks, Recreation & Open Space

Motion by Cleland, second by Berzins, to approve item 10b with a waiver of reconsideration.

Council Member LeGare noted the agreement expired on December 31, 2016 and asked if that 50-day timeframe was enough to complete the item.

Jenna Katsaros, Parks & Open Space Special Projects Coordinator, Parks, Recreation & Open Space, stated the original agreement related to the planning portion of the project and the next portion was for implementation.

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

- ◆ c. **R2016-76**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the 2017 Employee Pay Schedule and Classifications. STAFF SOURCE: Dan Quillen, Director, Internal Services

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

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

- ◆ d. **R2016-77**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for development of regional transportation and other public infrastructure within the City's portion of the Aerotropolis directly south of the Denver International Airport. STAFF SOURCE: Michael Hyman, City Attorney

*ORIGINAL MOTION*

Motion by Cleland, second by Roth, to approve item 10d.

*AMENDMENT I*

Motion by Bergan, second by Pierce, to amend item 10d by deleting the last two recitals (9 and 10) of the resolution in their entirety, adding the sentence *'In no event, however, shall staff consider the creation of an urban renewal area and the use of tax increment financing*

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*with respect to any property to be developed as a single-family residential housing' to section 1 and deleting section 2 of the resolution in its entirety.*

Council Member Pierce asked if there had been a proposal to use tax increment financing (TIF) financing on the property.

Skip Noe, City Manager, answered affirmatively, noting the original proposal called for an urban renewal area using TIF financing for the entire project.

Council Member Pierce asked if TIF would apply regardless of what was built. Mr. Noe clarified that was what was proposed but not necessarily what staff discussed with the developer in terms of what the City could support. Council Member Pierce stated his support of the amendment because he did not think it was a good idea to use TIF financing on residential development particularly at the edge of the City.

Council Member Roth noted the importance of making a distinction between tax increment and what was being proposed in this development which was not considered a true TIF. He explained this was reimbursement for an upfront infrastructure investment.

Mayor Pro Tem Peterson noted the future Aurora Aerotropolis was being promoted for economic potential in a commercial district and the resolution did not provide staff guidelines as to what regional transportation improvements it would support and asked staff why those guidelines were not provided. Mr. Noe stated staff did not frame the resolution and he was uncertain as to why those guidelines were not included. Mayor Pro Tem Peterson asked if the proposal included URA funding. Mr. Noe agreed that was a part of the original proposal. Mayor Pro Tem Peterson noted it was a beautiful project and she was the one who requested it come to study session for Council input. She stated this was a market-driven project and given the facts of the current annexation study, she suggested it was too soon for this project, noting it should wait to move forward until the comprehensive plan was completed in June of 2017. She asked Council not to support the resolution.

Council Member Bergan stated she was not insinuating the project would use TIF but rather was clarifying it would not use TIF for residential single-family.

Council Member Richardson stated his opposition to the amendment, noting time was of the essence because Denver and other various Adams county entities were moving ahead in this instance and Aurora would be left behind if it continued to be bogged down in debate.

Council Member LeGare stated the motion on the floor did not do what needed to be done to move the item forward, noting the resolution was a statement from City Council to City management to work with a developer to open up the area south of DIA. He pointed out Aurora had a multi-million dollar investment there and if they waited until the comprehensive plan was approved and did not make a bold move forward, they would be left in the dust in this regard.

Council Member Cleland concurred with Council Members LeGare and Richardson's comments, noting this was a rare opportunity for the City of Aurora for its history and future and asked Council to vote in opposition to the amendment.

Council Member Pierce discussed the transportation study done in Aurora for the area south of the airport which resulted in City Council establishing priority streets and interchanges, noting it was not necessary for staff to be told what funding should be used for the required

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infrastructure for that location. He suggested staff was fully capable of determining the appropriate funding methodology in this regard.

Council Member Berzins stated the resolution related to infrastructure and not housing and the City of Aurora could not afford to build an interchange without help from developers. She suggested it would be necessary to think forward and out of the box in this case just like what was done with the Gaylord project. She stated her opposition to the amendment.

Council Member Mounier stated her support of the amendment to the resolution and asked staff why the resolution required City staff to develop a financing plan when that was usually left up to the developer.

Jason Batchelor, Deputy City Manager, stated staff worked cooperatively with developers to tweak plans while protecting the City's interests in developing plans.

Council Member Mounier asked Mr. Batchelor to estimate the number of staff hours it would take to determine a financing plan. Mr. Batchelor estimated hundreds of finance and legal staff hours. Council Member Mounier asked if the use of an outside contractor would be necessary. Mr. Batchelor answered affirmatively. Council Member Mounier pointed out a transportation infrastructure ballot measure was recently defeated and asked Mr. Batchelor how this infrastructure would be funded if it did not come from the citizens. Mr. Batchelor stated the approach would be to look at taking revenues generated by the project to pay for some of the identified infrastructure, noting the project would also generate costs to the City and staff would ensure those costs were covered.

Council Member Lawson stated her support of the amendment, noting the entire City should not pay for the developers' infrastructure. She referenced the East Aurora Annexation Study which revealed residential development did not generate enough tax revenue to the City to pay for police and fire protection, street and road maintenance and parks and recreation that the City provided and asked Mr. Batchelor if the City was considering a plan to fund infrastructure for primarily residential development that would increase demand on City services without helping to pay for those services. Mr. Batchelor agreed that was a part of the analysis and the request that was made to the City in this regard, noting the discussion had been to ensure that revenues coming off of the project would cover the costs associated with services provided to residential properties. Council Member Lawson stated the Metro area has experimented with residential mixed-use development that did not always turn out very well and asked how it could be ensured that the City would be a winner in this case. Mr. Batchelor stated both urban renewal and tax increment financing has fundamentally changed in the state with the passing of HB 1348.

Mike Hyman, City Attorney, discussed HB 1348, noting nothing has come online since it passed. He stated the area in question was taxed as agricultural land and permission to create an urban renewal area and tax increment financing from each tax jurisdiction where the property was located was required.

Mayor Hogan stated the removal of section 1 took out staff involvement.

Council Member Bergan clarified the amendment did not remove section 1.

Mayor Hogan stated the amendment effectively tied staff's hands to do what they needed to do in this regard. He noted section 2, where it stated staff would negotiate and report to Council and the two whereas portions, related directly to transportation infrastructure, which Council approved in the street priority program. He stated deleting that section essentially

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removed the opportunity for staff and developers to be creative and for Council to hear those creative ideas in executive session.

Council Member Bergan clarified the amendment did not preclude the City from negotiating with developers in the Aerotropolis area, noting the typical way the process worked was for a developer to submit a plan through the application process and the City could then negotiate any financing tools they chose. She stated one developer was singled out in the resolution and the intent behind the amendment was to make the resolution fair to all developers while continuing to address the need for the Aerotropolis area in terms of transportation and support of that endeavor.

Mayor Pro Tem Peterson stated the mistake was to have a resolution prior to a developer coming to Aurora to do business, noting staff would help them either way.

Council Member Pierce concurred.

*VOTE ON AMENDMENT I*

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

Voting Nay: Mayor Hogan, Berzins, Cleland, LeGare, Richardson, Roth

Council Member Roth discussed the Gaylord project process and how past council members' decisions put the City of Aurora in an enviable position with regards to water. He viewed this development in the same way, noting this was an opportunity for Aurora to make its mark and a real difference for the future. He asked Council to support the item.

Council Member LeGare pointed out both transportation bond elections for 2012 and 2014 were soundly defeated which demonstrated the difficulty in raising funds for transportation. He stated the resolution asked staff to work with a private developer to determine a transportation plan that opened up a key development area for the City of Aurora next to one of the busiest airports in the world. He explained it had the potential for a private development entity to front \$100M worth of transportation infrastructure that the City was responsible to build but could not afford to build and having staff work with the developer on some type of payback for the infrastructure, noting it was the private sector, and not the government, that built businesses and industry. He expressed his hope that Council would support the resolution.

Council Member Cleland agreed the money would have to be in place to support services regardless of the plan. She noted City Council has never dealt with a project of this size and unique nature and discussed the importance of thinking outside of the box in terms of financing and for Aurora to have control over its destiny.

Council Member Pierce stated his support of the Aurora Aerotropolis development but noted he had not seen enough on the particular project to know if he liked it or not. He agreed staff and the developer needed to work together but he did not think a resolution was the way to do it.

Council Member Berzins noted the Gaylord project would not have been done if the City had done things in the usual fashion, noting this was a once in a lifetime situation and should be handled as such.

Council Member Mounier read from the resolution portion related to the commercial and residential potential of the project, noting the resolution only covered the infrastructure for the residential properties. She asked staff how many jobs would remain at Aerotropolis for residential once the infrastructure and houses were completed. Mr. Batchelor stated part of

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any negotiation was understanding the degree revenues were being taken off of the property and making sure to stress the commercial and industrial component of the project, which City Council has stated as a priority.

Council Member Lawson stated the project was beautiful and she agreed the area should be developed, however, she did not think the way in which the City was going about it set a good precedent. She suggested the City let other developers come to the table because commercial land was much more valuable than residential land. She asked why the City was considering helping at this time. Mr. Batchelor stated the area needed infrastructure to develop and there would be more costs for City services from a residential perspective so in terms of taking revenues off of the project, industrial and commercial development would be much more amenable to staff to recommend. Council Member Lawson reiterated her concern regarding the precedent being set in this regard and asked what message was being sent to other developers.

Mayor Hogan stated the message to other developers was if they wanted to come in and build a project then they needed to be creative and work with the City to make it happen rather than expecting the City of Aurora to pay the bills per usual through the creation of a special district or direct Council appropriations. He stated this was essentially a public/private partnership and something new and different with regards to building infrastructure.

Council Member Richardson noted the City of Aurora could have been the home of the Colorado Rapids but due to the uncertainty of whether or not it was a good idea to have a major league soccer team in the City of Aurora, Commerce City got them. He noted this was a unique opportunity and the City needed to be decisive in this regard. He addressed the developer and asked them to remain in Aurora and to give the City a chance.

Council Member Bergan agreed the City wanted the developer to remain in Aurora but noted a resolution was the wrong way to go about it because it set a bad precedent that opened the door to other developers requesting a special resolution on their behalf. She stated discussions on infrastructure support and financing could occur as they usually do. She pointed out this project should not be compared to the Colorado Rapids or the Gaylord project because this project included residential single-family homes. She asked the percentage of commercial envisioned for this development. Mr. Batchelor noted the plan has morphed over time and he was uncertain as to the ratios of residential, commercial and industrial. Council Member Bergan stated that was precisely her point; a plan has not been submitted and the particulars were unknown which made the resolution unfair.

Council Member Peterson stated staff did their job every day and did not need a resolution to tell them how to do it. She stated she liked the project but felt the resolution was not necessary.

Council Member LeGare stated the reason there was a resolution was because the developer was looking for a statement of support from Council. He asked the developer not to base their decisions on Council's discussion because there was a lot of support for this project but not for the resolution. He stated the item directed staff to work on the project and to bring it back to Council, noting doing so would likely generate full Council support.

Mayor Hogan agreed this situation was unusual and noted staff and the developer needed to know this was an important area and project to the City. He explained this resolution was drafted with great specificity because the retail, office space, industrial and commercial space, jobs and housing would not be built without the necessary infrastructure or rooftops being in place. He stated new ideas should be embraced if the City wanted to do things in a different way, noting with a few exceptions, most of Aurora was standard suburban development. He stated every one of the other cities at the table wanted to be first because first wins and the City would not win if it did not move on new ways to finance infrastructure in the area.

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*VOTE ON ORIGINAL MOTION*

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

Voting Nay: Bergan, Lawson, Mounier, Peterson, Pierce

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2016-47**  
PUBLIC HEARING and Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, approving the First Amendment to a Development Agreement between the City of Aurora, Colorado, and LNR CPI High Point, LLC, containing provisions for a vested property right pursuant to Article 68 of Title 24, C.R.S. for certain lands located in Sections 1, 2, 3, 10 and 12 Township 3 South, Range 66 West, and Section 7, Township 3 South, Range 65 West of the 6th principal meridian, City of Aurora, County of Adams, State of Colorado (Highpoint) 1200 acres more or less. STAFF SOURCE: Nancy Bailey, Contract Development Project Manager, General Management

Mayor Hogan opened the public hearing on the item.

Nancy Bailey, Contract Development Project Manager, General Management, Development, provided a brief summary of the item, noting it related to an amendment to the LNR High Point at Denver International Airport (DIA) development agreement.

Mayor Hogan closed the public hearing on the item.

Motion by Richardson, second by Peterson, to introduce item 11a.

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

12. **ORDINANCES FOR INTRODUCTION**

***The following items 12a-f are 2017 Budget related Ordinances***

- ◆ a. **2016-48**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, adopting an Operating and Capital Improvements Projects Budget for the fiscal year beginning January 1, 2017, and ending December 31, 2017. STAFF SOURCE: Greg Hays, Budget Officer, Finance

*ORIGINAL MOTION*

Motion by Roth, second by Cleland, to introduce item 12a.

*AMENDMENT I*

Motion by Cleland, second by Mounier, to amend item 12a to appropriate an additional \$7000.

Council Member Richardson discussed the need for the radio station to provide detailed information to the Ethiopian and Pan-African community in Aurora and asked City Council to support this nominal contribution.

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Council Member Berzins expressed appreciation to Aurora Public Schools for finding a space for the tower, noting there were 30,000 Ethiopians in the state of Colorado with the majority living in Aurora and this was a gesture of goodwill for the City.

*VOTE ON AMENDMENT I*

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

Voting Nay: Bergan, Peterson, Roth

Council Member Lawson noted there was a lot of discussion at the recent City Council budget workshop related to the south end of town. She recommended Council focus on northwest Aurora in the next budget cycle because it was the most challenged part of the City in terms of highest diversity, lowest economic income and highest concentration of crime. She pointed out doing so would establish a greater commitment to enhance northwest Aurora.

Mayor Pro Tem Peterson stated her understanding that the radio station was important to the Ethiopian community but she did not think providing money fit into what government should do to help businesses. She stated it set precedent and asked if the station was strictly a news station.

Mayor Hogan stated the programming would be under the radio station's control.

Mayor Pro Tem Peterson stated she might have felt differently about it if she was told the station was the only way for Ethiopian residents in the City to get news.

*VOTE ON ORIGINAL MOTION*

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

Voting Nay: Peterson

- ◆ b. **2016-49**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, establishing the Tax Levy on all taxable property within the corporate limits of the City of Aurora, Colorado, for the tax collection year beginning January 1, 2017, and ending December 31, 2017. STAFF SOURCE: Greg Hays, Budget Officer, Finance

Motion by Roth, second by Pierce, to introduce item 12b.

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

- c. **2016-50**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2017 and ending December 31 2017. STAFF SOURCE: Greg Hays, Budget Officer, Finance

Motion by LeGare, second by Roth, to introduce item 12c.

Skip Noe, City Manager, stated the additional appropriated \$7000 would be amended administratively.

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

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Voting Nay: Peterson

- ◆ d. **2016-51**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending certain Sections of Chapter 138 and Chapter 146 of the City Code of the City of Aurora, Colorado, relating to rates, fees, and services for the provision of water. STAFF SOURCE: Jo Ann Giddings, D/D Water Financial Administrator, Aurora Water

Motion by Bergan, second by Roth, to introduce item 12d.

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

Voting Nay: Berzins, Cleland, Mounier, Richardson

- ◆ e. **2016-52**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, creating the marijuana tax revenue fund. STAFF SOURCE: Nancy Wishmeyer, Controller, Finance

Motion by Roth, second by Bergan, to introduce item 12e.

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

Voting Nay: Cleland

- ◆ f. **2016-53**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, creating the parking and mobility fund. STAFF SOURCE: Nancy Wishmeyer, Controller, Finance

Motion by Roth, second by Mounier, to introduce item 12f.

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

***For purposes of considering the following items 12g-k, the City Council will be acting ex officio as the Board of Directors of the General Improvement Districts 1-2007, 1-2008, 3-2008, Pier Point 7 2-2009 and Aurora Conference Center 2-2011, respectively.***

- ◆ g. **2016-54**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of general improvement district 1-2007 (Cherry Creek Racquet Club) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2017, and ending December 31, 2017. STAFF SOURCE: Mike Shannon, Debt & Treasury Manager, Finance

Motion by Richardson, second by LeGare, to introduce item 12g.

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

Voting Nay: Peterson

- ◆ h. **2016-55**

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Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of General Improvement District 1-2008 (Peoria Park) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2017, and ending December 31, 2017. STAFF SOURCE: Mike Shannon, Debt & Treasury Manager, Finance

Motion by LeGare, second by Pierce, to introduce item 12h.

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

Voting Nay: Peterson

- ◆ i. **2016-56**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of General Improvement District 3-2008 (Meadow Hills Country Club) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2017, and ending December 31, 2017. STAFF SOURCE: Mike Shannon, Debt & Treasury Manager, Finance

Motion by Roth, second by Bergan, to introduce item 12i.

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

Voting Nay: Peterson

- ◆ j. **2016-57**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of Pier Point 7 General Improvement District 2-2009 adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2017, and ending December 31, 2017. STAFF SOURCE: Mike Shannon, Debt & Treasury Manager, Finance

Motion by Roth, second by Pierce, to introduce item 12j.

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

Voting Nay: Peterson

- ◆ k. **2016-58**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, of General Improvement District 2-2011 (Aurora Conference Center) adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2017, and ending December 31, 2017. STAFF SOURCE: Mike Shannon, Debt & Treasury Manager, Finance

Motion by Berzins, second by Roth, to introduce item 12k.

Council Member Bergan asked why the Aurora Conference Center was a general improvement district (GID).

Mike Hyman, City Attorney, stated the Aurora Conference Center GID was formed as a part of the financing for the Gaylord Rockies project to defray the cost of infrastructure.

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

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

- ◆ I. **2016-59**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Sections 130-158, 130-160, 130-161, 130-167, 130-196 and 130-199 of the City Code related to the sales and use tax on retail marijuana and retail marijuana products. STAFF SOURCE: Terri Velasquez, Director, Finance

Motion by LeGare, second by Mounier, to introduce item 12l.

Council Member Cleland stated she would not support the item because raising the tax could force consumers to go to other marijuana facilities which would end up being to the City's detriment. She noted additionally that she did not support taxing people just to tax people and that was what this was.

Council Member LeGare stated he introduced the proposal and spoke to the tax issue, noting the ordinance would increase the marijuana retail sales tax by two percent in the City of Aurora because the state of Colorado planned to lower the state retail sales tax on marijuana by two percent. He suggested this was an opportunity to provide a source of funding for homeless services the City Council decided was a priority. He noted he reached out to several retail marijuana owners or owner representatives who stated their enthusiastic support of the concept of dedicating funds to the homeless in the City. He pointed out the industry would not be impacted, consumers would not see a net change but those less fortunate in the City would be provided services that would not further impact the budget.

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

Voting Nay: Berzins, Cleland, Richardson

- ◆ m. **2016-60**  
Consideration for INTRODUCTION OF AN ORDINANCE of the City Council of the City of Aurora, Colorado, amending Chapter 2, Article VII, of the City Code related to disposition of unclaimed property. STAFF SOURCE: Nancy Wishmeyer, Controller, Finance

Motion by LeGare, second by Roth, to introduce item 12m.

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

Voting Nay: Richardson

### 13. **RECONSIDERATIONS AND CALL-UPS**

Council Member Mounier stated she miscast her vote on item 12d.

Mayor Hogan directed staff to allow the record to reflect the vote on 12d was six to four.

### 14. **GENERAL BUSINESS**

None

### 15. **REPORTS**

a. Report by the Mayor

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

Mayor Hogan discussed recent events that took place in the City including the Korean Kickball tournament; the 10<sup>th</sup> anniversary of the Southlands shopping center; the annual Punkin Chunkin event; the Aurora Fox Theater's 32<sup>nd</sup> season opening; a Taiwanese government reception; and the annual Hindu festival celebrating the triumph of good over evil.

b. Reports by the Council

Council Member Lawson announced the At-Large meeting was scheduled for Thursday, October 13, 2016 in the Tallyn's Reach Library community room at 6:00 p.m. where zoning updates would be provided.

Council Member Mounier noted a consistent flow of constituents were in attendance to discuss their concerns at the recent Say it to Sally event at the MLK library. She encouraged Council to provide the same opportunity for their constituents.

Council Member Berzins reminded everyone that the Ward III meeting was scheduled for Wednesday, October 12, 2016 at the Aurora Chamber office at 6:00 p.m. where Planning Department representatives would be present to discuss development in Ward III.

Council Member Cleland congratulated her granddaughter, Gracie, who attends Frontier Elementary K-8, for coming in first place in several swimming events at the recent All City Swim meet.

Mayor Pro Tem Peterson discussed her attendance at the recent Assistance League of Denver event.

Council Member Roth discussed his experience touring the Ball Aerospace Westminster facility, noting the recognition the City of Aurora received for being a part of the conversation with Buckley Air Force Base regarding Buckley being a part of the selection process for the F-35. He invited those interested in attending to the Ward V Town Hall meeting scheduled for Tuesday, October 18, 2016 at the Heather Gardens clubhouse at 6:00 p.m. for the annual candidate forum.

Council Member Bergan expressed appreciation to Gary Wheat, President/CEO of Visit Aurora, Vinessa Irvin, Manager, Office of Development Assistance, and Xcel for their excellent presentations at the recent Ward VI Town Hall meeting and to Marcia Osborne, neighborhood liaison, for her efforts in that regard.

16. **PUBLIC INVITED TO BE HEARD**

None

17. **ADJOURNMENT**

Mayor Hogan adjourned the regular meeting of City Council at 9:38 p.m.

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STEPHEN D. HOGAN, Mayor

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ATTEST:

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♦ *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.*