MINUTES
Regular Meeting – Aurora City Council
Monday, January 7, 2019

CALL TO ORDER – REGULAR MEETING
Mayor LeGare convened the regular meeting of City Council at 4:02 p.m.

ROLL CALL
PRESIDING: Mayor LeGare
COUNCIL MEMBERS PRESENT: Bergan, Berzins, Gruber, Murillo, Richardson, Watson
COUNCIL MEMBERS ABSENT: Roth
OFFICIALS PRESENT: City Manager Twombly, Interim City Attorney Brotzman, Interim City Clerk Lawson
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL: Hiltz, Johnston, Lawson

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION
Motion by Bergan, second by Watson, to recess for executive session.
Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Murillo, Richardson, Watson
Abstaining: None

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

1. RECONVENE REGULAR MEETING OF JANUARY 7, 2019 AND CALL TO ORDER
Mayor LeGare reconvened the regular meeting of City Council at 7:34 p.m.

2. ROLL CALL
Michael Lawson, Interim City Clerk
COUNCIL MEMBERS PRESENT: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson
COUNCIL MEMBERS ABSENT: Mayor Pro Tem Roth

3. INVOCATION
Pastor Mark Spence, Mississippi Avenue Baptist Church

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

5. APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 17, 2018
Motion by Gruber, second by Bergan, to approve the minutes of the meeting of December 17, 2018, as amended.

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Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

Abstaining: None

6. **CEREMONY**
   
a. Swearing in of newly appointed Assistant City Attorneys – Presiding Judge Shawn Day

Judge Shawn Day administered the oath of office to the newly appointed Assistant City Attorneys. City Council congratulated the attorneys and thanked them for their service to Aurora.

   Brian Garrity
   Alyssa Rhodes
   Andy Kemmer

b. Swearing in of reappointed Relief Judges – Presiding Judge Shawn Day

Judge Shawn Day administered the oath of office to the reappointed Relief Judges. City Council congratulated the Judges and thanked them for their service to Aurora.

   James Anderson
   Peter Frigo
   Loretta Huffine
   Andrea Koppenhofer
   Alan Stine

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

Judge Shawn Day administered the oath of office to the newly appointed board and commission members. City Council congratulated the members and thanked them for their service to Aurora.

<table>
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<tr>
<th>Name</th>
<th>Board or Commission</th>
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<tr>
<td>Maureen Maycheco</td>
<td>Cultural Affairs Commission</td>
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<td>Watik Aleem</td>
<td>Veterans Affairs Commission</td>
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d. Proclamation in support of Radon Action Month – Mayor Bob LeGare

Mayor LeGare invited Mike Dyer, Blackstone Home Inspections; Mike Barnhill, National Property Inspections, Tom Gould, Win Home Inspection Aurora; and Rob Kneeshield, RBS&K Building Inspectors, to come forward. He read the proclamation in support of Radon Action Month and shared information on the City's Radon Mitigation Program.

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

Carlee Cellar, Highland Park East, Aurora, Colorado, stated her opposition to fracking in Aurora and discussed the danger and need for traffic calming devices at the Peoria and Del Mar Circle Intersection.

Michael Terry, Aurora, Colorado, discussed his personal situation with City ordinance 1475, restricted breed, and his American Bully dogs. He asked that Breed Specific Legislation

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(BSL) be included in the current ordinance revisions or that the issue be added to a future City Council agenda for further discussion.

8. **ADOPITION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-h**

**General Business**

a. Consideration to AWARD WORK PACKAGE NO. 2 of the Fire Station 5 Project to Mark Young Construction, Inc., Longmont, Colorado in the amount of $8,135,242.00 R-5637A. STAFF SOURCE: Ely Watson, Manager of Business Services, Public Works

Motion by Bergan, second by Watson, to approve Item 9a.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to McDade-Woodcock, Inc., Albuquerque, New Mexico in the amount of $1,573,087.40 for the construction of Weilinger WPF PLC Upgrades, Project No. 5651A. **(Staff Requests a Waiver of Reconsideration)** STAFF SOURCE: Kelley Neumann, Deputy Director Water Planning/Engineering, Aurora Water

Council Member Watson expressed concerns related to the lack of use of Aurora companies for these contracts, noting not doing so sent the money outside of the City.

Council Member Bergan stated her understanding that the original contractor could no longer manufacture the processors and modules and that was why the City used a new company.

Marshall Brown, Director, Water, concurred, noting the original equipment was no longer available and therefore had to be upgraded. He pointed out the contract went out to bid and he was unaware of any Aurora companies who could provide the equipment.

Motion by Watson, second by Bergan, to approve Item 9b with a waiver of reconsideration.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

c. Consideration to AWARD A SINGLE SOURCE CONTRACT to Bridge House, Aurora, Colorado, in the not-to-exceed amount of $205,000.00 for supply work crews to complete park, open space, reservoir and recreation projects as required through December 31, 2019. STAFF SOURCE: John Wesolowski, Manager of Parks & Forestry, Parks, Recreation & Open Space

Council Member Bergan asked if the worker from Bridge House were bonded.

Jason Batchelor, Deputy City Manager, stated they met the insurance requirements but he was unsure if they were bonded.

Council Member Bergan expressed concerns related to employees that might have previous convictions. She asked staff to review that question. She asked if the workers from Bridge House were subject to the same drug testing and background check requirements as all City applicants were.

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John Wesolowski, Manager of Parks & Forestry, Parks, Recreation & Open Space, stated the Bridge House provided their own background checks and testing.

Council Member Bergan noted all applicants for City jobs were required to be background checked and drug tested and asked if the City required the same of these workers. Mr. Batchelor answered no, noting these were not City employees. He confirmed the City was contracting with Bridge House as a service provider. Council Member Bergan asked if the contract amount was separate than what was budgeted for labor for Parks.

Mr. Wesolowski answered no.

Motion by Bergan, second by Richardson, to approve item 9c.

Council Member Watson discussed his recent visit to the Bridge House and expressed his support of the work being done there and of their partnership with the City.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

d. Consideration to award AN OPENLY SOLICITED CONTRACT to Badger Meter, Inc./dba National Meter and Automation, Centennial, Colorado in the amount of $4,141,330 for the new citywide Advanced Metering Infrastructure (AMI) System to include meters for replacement and anticipated growth. R-1893 STAFF SOURCE: Dan Mikesell, Deputy Director Water Operations/Environmental Program, Aurora Water

e. Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to Air Conditioning Associates Inc. (ACA), Englewood, CO in the not to exceed amount of $229,300.00 to perform scheduled maintenance and on call repair services for HVAC systems in the Aurora Water facilities through December 31, 2019. (R1797) STAFF SOURCE: Steven Sciba, Manager of Water Operations and Maintenance, Aurora Water

f. Consideration to AWARD A SINGLE SOURCE CONTRACT to EnvisionWare Inc., Duluth, Georgia in the amount of $127,386.25 to provide an Automated Library Materials Sorting System for Aurora Central Library. STAFF SOURCE: Patti Bateman, Director, Library & Cultural Services

g. Consideration to AWARD CHANGE ORDER No. 2 to a competitively bid contract with Musco Sports Lighting, LLC, Oskaloosa, Iowa in the amount of $71,654.00 for the Olympic Park Lights Project, Project Number 5656A. STAFF SOURCE: Tracy Young, PROS Planning, Design & Construction, Parks, Recreation, and Open Space

Motion by Bergan, second by Watson, to approve items 9d – 9g.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

Final Ordinances

h. 2018-67

Consideration of AN ORDINANCE FOR ADOPTION of the City Council of the City of Aurora, Colorado, amending Chapter 102 of the City Code of the City of Aurora, Colorado, relating to the General Employees’ Retirement Plan. STAFF SOURCE: Terri Velasquez, Director, Finance

Motion by Gruber, second by Berzins, to approve item 9h.

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Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

10. RESOLUTIONS

a. R2019-01
   Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Restaurant Program Grant Agreement and Letter of Understanding between the City of Aurora, Colorado, and S&J LIMITED, LLC (San Marcos Building) STAFF SOURCE: Tim Gonerka, Senior Retail Project Manager, Development Services

   Motion by Murillo, second by Gruber, to approve Item 10a.

   Council Member Bergan asked if the contingency amount of 33 percent was a typical amount in an incentive program.

   Tim Gonerka, Senior Retail Project Manager, Development Services, stated the 33 percent allowed enough room if the construction costs were higher considering the budget had not yet been set.

   Council Member Bergan asked if any provisions were in place should the program not work once the City Invested the money. Mr. Gonerka answered no, noting this was a typical City Incentive and the payback would be through the sales tax from the tenants that took over the kitchens.

   Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

b. R2019-02
   Consideration to APPROVE A RESOLUTION of the City Council of Aurora, Colorado, authorizing the Historic Preservation Commission of Aurora, Colorado, to act as a reviewing entity for the State Income Tax credit program for clarifying rehabilitation projects pursuant to C.R.S. § 39-22-514.5, as amended. STAFF SOURCE: Gary Margolis, Manager of Cultural Services, Library & Cultural Services

   Motion by Berzins, second by Bergan, to approve Item 10b.

   Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

11. PUBLIC HEARING WITHOUT RELATED ORDINANCE

a. Consideration to AFFIRM or MODIFY the Planning Director’s administrative decision to approve an Oil and Gas Well Permit for a multi-well (16) pad site on 14.2 acres known as Jamaso, generally located in the Southeast area of Powhatan and Colfax. (DA-2138-00; CN 2018-6022-00) STAFF SOURCE: Stephen Rodriguez, Planning Supervisor, Planning and Development Services

   Mayor LeGare opened the public hearing on the Item and discussed the public hearing process.

   Christine McKenney, Senior Assistant City Attorney, clarified the City’s jurisdiction was only on land use regulations which related to such items as fencing, lighting and sound barriers and did not cover items in the state’s Oil and Gas Commission’s jurisdiction such as operations underground and environmental issues.

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Mindy Parnes, Manager, Planning, gave a presentation on the item.

David Schnabel, Project Manager, Access Exploration Corp. LLC, and Extraction Oil & Gas, representing the applicant, gave a presentation on the item.

Council Member Gruber pointed out many of the citizen comments related to safety, well pad operations and impact on property values, which was an issue the City was responsible for, noting the active drilling was what created impact. He asked the timeframe from putting up the walls to taking them down. Mr. Schnabel estimated the range of operations would be six to nine months. Council Member Gruber stated the extraction processes used tank-less well sites and asked what the land would look like once the derricks were removed. Mr. Schnabel clarified it would begin as a tanked facility which would turn into a tank-less design sometime in the future. Council Member Gruber asked Mr. Schnabel to speak to the environmental safety issues evaluated by the state. Mr. Schnabel did so. Council Member Gruber referenced citizen comments related to safety issues and asked for a discussion on the identification and mitigation of those issues by the state.

Josh Carlisle, Health, Safety Regulatory (EHSR) Manager, Extraction Oil & Gas, Environmental, did so.

Mayor LeGare asked for a definition of the acronyms COGCC and CDPHE referenced by Mr. Carlisle and Mr. Schnabel. Mr. Carlisle stated Colorado Oil & Gas Conservation Commission (COGCC) and Colorado Department of Public Health and Environment (CDPHE).

Council Member Johnston referenced the leak detection and repair camera (LDAR) and asked where the monthly monitoring was called out in the agreement. Mr. Carlisle stated it was a part of CDPHE regulation 7. Council Member Johnston asked if it was called out in the specific application with the City. Mr. Carlisle reiterated it was a state rule that required that type of monitoring for every facility, noting he did not believe it was specifically called out in the USR application. Council Member Johnston asked the standard repair mitigation timeframe if a leak was detected. Mr. Carlisle stated the state required five calendar days. He discussed Extraction Oil & Gas’ standards and site operations process that dealt with leaks, noting there was a miniscule percentage of leaks that required a specialized crew.

Council Member Bergan pointed out the permit was approved by the COGCC. She noted land use was in the purview of City Council and the application met all of the City’s requirements in terms of setbacks, road maintenance, water agreements, and noise barriers and sound walls. She asked Mr. Carlisle to speak to the use of the closed loop system. Mr. Carlisle did so, noting that was a part of the state regulated portion of the business. Council Member Bergan noted the applicant canvassed the Fox Ridge Farms community door-to-door and asked if any objections were raised. Mr. Carlisle answered no, noting only general questions and concerns were raised.

Council Member Hiltz asked if tank-less meant truly tank-less or if that meant moving the tanks offsite to a different location. Mr. Schnabel stated all of the tanks would be moved to a central location, noting a tank would always be located on the site for spill or contamination prevention. Council Member Hiltz stated it was therefore not tank-less but tank-elsewhere.

Mr. Schnabel concurred.

Council Member Watson asked what would be visible on the site after two years. Mr. Schnabel stated those who were familiar with oil and gas wells might recognize the sites but given the topography, only tan fuzzy plats could be seen from a distance.

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Mr. Carlisle noted given the fencing agreement with the City, it was likely a passerby would only see a fenced piece of land. He further discussed their efforts with the Front Range Emergency Resource Co-op.

Council Member Watson asked if working with first responders for safety was an ongoing process. Mr. Carlisle answered affirmatively.

Council Member Johnston referenced the Emergency Preparedness Plan, noting she had concerns related to how stretched first responders were already without emergencies and asked if the applicant was willing to take the next step beyond training and would agree to provide and fund an adequate supply of aqueous foam. Mr. Carlisle stated that issue related to a broader agreement rather than on a pad-by-pad basis. Council Member Johnston stated she was interested in a plan beyond training that had more detailed evacuation routes and health facilities to be used, and asked if the applicant was willing to provide more of that detailed plan and reimbursement should Aurora Fire Rescue be required to respond to an emergency. Mr. Carlisle agreed they would work with City staff and first responders for that use by special review commitment to provide reimbursement for those services for this agreement or a broader one.

Edith Henke; Jon Barber; Sarah Brockway; Paul Dykema; Aimee Potter; Georgiana Inskeep; Victoria Jiminez; Susan McClain; Misty Salazar; Sonia Skakich-Scrima; Westin Wilson; Phil Doe; Tom Kraus; Kyle Larson; Brandy Noriega; Larry Quirk; Dr. Linda Servey; Yasmine Mohamed; Dianna VanderDoes; and Barbara Mills Bria spoke in opposition to the item.

MAYOR LEGARE CALLED FOR A TEN MINUTE BREAK

Sandra Toland, Jason Harrison; Amy Shippey; Maria Orms; Margaret Sobey; Alison Coombs; Sarah Oliver; Mitchell Vizroalmo; and Randee Webb, spoke in opposition of the item.

Mr. Schnabel addressed Mr. Quirk's questions related to sour gas (H2S), salt formations, oil based additives or mud, mud disposal, the number of anticipated wells, drilling out remaining inventory, project schedule, orientation of the horizontal wells, artificial lifts, and City zoning and fire regulations.

Ms. Parnes confirmed the applicant met all current code requirements.

Council Member Gruber noted a consistent theme in citizen concerns was air quality and asked for a discussion of those requirements and specifically how citizens would be protected. Mr. Schnabel did so.

Mr. Carlisle noted he was an Aurora resident who was invested in the community. He continued the air quality mitigation discussion.

Council Member Lawson asked how the smell would be contained because smell could be an asthma trigger. Mr. Carlisle discussed managing odors rather than emissions.

Council Member Johnston discussed her experience when the Colorado School of Public Health, University of Colorado-Anschutz provided their findings to the Oil & Gas Advisory committee. She stated the CDPHE Executive Director was present at the presentation, noting his role was a politically appointed position. She pointed out that while both the school and the executive director agreed more research was necessary, she stated she trusted the science of a neighbor such as the school over a political appointee's opinion. She asked if the applicant's position for the application has been reevaluated based on what the community has requested.

Eric Jacobson, Senior Vice President, Extraction & Access, expressed appreciation for all of the comments and requested the application be approved on its merits as it was presented.

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Mayor LeGare raised the topic of sound barriers and asked if a sound barrier was proposed for the north side of the site. Mr. Carlisle answered affirmatively. Mayor LeGare noted the sound barrier on the west appeared to be more robust than the sound barrier on the north and asked if all of the sound barriers were the same. Mr. Carlisle answered affirmatively. Mayor LeGare asked if a sound barrier was proposed for the south side of the site. Mr. Carlisle answered no. Mayor LeGare asked why that was so. Mr. Carlisle stated that was due to a sound analysis that was done at the time of the application.

Council Member Bergan asked if the 32’ wall was required or was it done in mitigation with staff. Mr. Carlisle stated neither, noting it was the standard design of the sound wall.

Mayor LeGare closed the public hearing on the item.

Motion by Gruber, second by Bergan, to affirm Item 11a.

Council Member Johnston expressed appreciation to all those who spoke at and attended the meeting, noting she would not support the motion. She encouraged the citizens in attendance to not give up because times were changing and having everyone come together was what democracy was all about. She stated she was available to talk about next steps of what could be done in this regard.

Council Member Hiltz echoed Council Member Johnston’s comments. She noted the recent situation where another oil and gas company worked extensively with the City to ensure steps were taken to work with the residents. She pointed out conversely, the applicant initially stated they did not see the Aurora City Council as an authority which was reaffirmed after the resident testimony when they were asked if they wanted to reconsider any of the options on the table and they replied no. She stated she was initially open to having those conversations but noted as it was very clear that was not the applicant’s intent, she would not support the motion.

Council Member Watson expressed appreciation to all those who came out to the meeting, noting the meeting began with the discussion of the Council’s purview. He noted there was a lot of discussion about what was going on in Broomfield in terms of oil and gas development. He contended some of the same things were also going on in Aurora. He pointed out that while City Council followed the state guidelines, they were not making decisions based solely on what the state was saying. He noted City staff did a good job of mitigating citizen concerns. He stated his support of the motion because the applicant has followed many of the guidelines. He pointed out the applicant continued to work with first responders which was a critical part of the situation because many of the concerns raised related to the ‘what ifs’ that could happen in this instance. He noted that was a developing process. He stated he considered all of Aurora to be his neighborhood, noting Aurora was becoming more stringent as to how they worked with the oil Industry. He agreed with some of Council Member Johnston’s comments related to changes in the state that might impact the City’s decision-making on the matter.

Mayor LeGare addressed Mr. Quirk’s previous question regarding why the Mayor and several council members did not vote to call-up the item. He stated the reason he did not support the call-up was because the application had met every City requirement. He pointed out City staff reviewed the application and found it to be in compliance. He stated his concern that bringing the item back allowed the City Council to potentially oppose it which in turn would cause a lawsuit that the City would lose and all of that cost the taxpayers’ money. He suggested all of the passion and opposition generated by this issue could be redirected to the state legislature to work towards changing the rules that the COGGC worked under.

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clarified he was not telling people that was what they should do; he was saying the current legislative environment with the Senate, House and Governor was there for them to do it. He stated he would support the motion.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Lawson, Richardson, Watson
Voting Nay: Hiltz, Johnston, Murillo

12. RECONSIDERATIONS AND CALL-UPS
None

13. GENERAL BUSINESS


Motion by Berzins, second by Richardson, to appoint Lynne Bittel, Lisa Clark, Almer Combs, Thomas Frickell, Michelle Limbaugh, Thomas Mayes, Joshua Reddell, Jason Schneider, Marcia Todd, Sonny Rosario Trujillo, and Garrett Walls to the Independent Review Board.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

b. Consideration to appoint two (2) adult members and one (1) youth member to the Aurora Youth Commission. STAFF SOURCE: Jenna Katsaros, Superintendent, Parks, Recreation & Open Space

Motion by Berzins, second by Hiltz, to appoint Kristina Lance, Joseph Soto and Kevin Kim to the Aurora Youth Commission.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

c. Consideration of the reappointment of (1) Associate Judge. STAFF SOURCE: Shawn Day, Presiding Judge, Judicial

Motion by Gruber, second by Watson, to reappoint Judge Dana Spade as Associate Judge.

Voting Aye: Mayor LeGare, Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Watson

15. REPORTS

a. Report by the Mayor

No report.

b. Reports by Council

Council Member Murillo announced the Ward I Town Hall meeting was scheduled for Thursday, January 24, 2019 at the Moorehead Recreation Center at 6:00 p.m.

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Council Member Bergan announced the Ward VI Town Hall meeting was scheduled for Wednesday, January 16, 2019 at 6:00 p.m. at the Tallyn’s Reach library where general updates and a presentation by Anna Bunce, Manager, Traffic, would be provided.

Council Member Berzins discussed the recent meeting between Mayor LeGare, several council members and state legislators where they discussed the legislators’ priorities for 2019. She announced the next Ward III meeting would be held in February, noting she planned to add a third meeting each month and to mail out postcards listing the meeting dates for the remainder of the year.

Council Member Lawson announced the appointment of Don Seven to the Citizens’ Advisory Budget Committee.

Council Member Johnston announced the Ward II Town Hall meeting was scheduled for Thursday, January 24, 2019 at the Beck Recreation Center at 6:30 p.m., where oil and gas issues in Ward II would be discussed.

14. **PUBLIC INVITED TO BE HEARD**

None

15. **ADJOURNMENT**

Mayor LeGare adjourned the regular meeting of City Council at 11:10 p.m.

[Signature]

BOB LEGARE, MAYOR

ATTEST:

[Signature]

Michael Lawson, Interim City Clerk

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