

MINUTES

Regular Meeting – Aurora City Council Monday, July 16, 2007

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:07 p.m.

ROLL CALL

PRESIDING:	Mayor Tauer
COUNCIL MEMBERS PRESENT:	Beer, FitzGerald, Hogan, Markert, Peterson, Pierce, Wallace
COUNCIL MEMBER ABSENT:	Frazier
OFFICIALS PRESENT:	City Manager Miller, Deputy City Attorney Rogers, City Clerk Johnson
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	Broom, Sandstrom

Assistant City Manager Janice Napper announced the proposed items for discussion at Executive Session.

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

Motion by Markert, second by Pierce, to recess to Executive Session.

Voting Aye: Mayor Tauer, Beer, FitzGerald, Hogan, Markert, Peterson, Pierce, Wallace

The Executive Session was recorded pursuant to the requirements of State law.

1. **RECONVENE REGULAR MEETING OF JULY 16, 2007 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:33 p.m.

2. **ROLL CALL**

PRESIDING:	Mayor Tauer
COUNCIL MEMBERS PRESENT:	Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace
COUNCIL MEMBER ABSENT:	Frazier
OFFICIALS PRESENT:	City Manager Miller, Deputy City Attorney Rogers, City Clerk Johnson

3. **MOMENT OF SILENCE**

4. **PLEDGE OF ALLEGIANCE TO THE FLAG**

5. **APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 18, 2007**

Motion by Markert, second by Wallace, to approve the minutes of June 18, 2007 as presented.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce,
Sandstrom, Wallace

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6. **CEREMONY**

- a. Swearing in of one newly appointed Assistant City Attorney

Presiding Judge Alan Stine administered the oath of office to newly appointed Assistant City Attorney Jason Noto. Mayor Tauer and City Council congratulated the newly appointed Assistant City Attorney.

- b. Swearing in of newly appointed Boards and Commission members

Presiding Judge Alan Stine administered the oath of office to the board and commission members. Mayor Tauer and City Council congratulated the members and thanked them for their service to Aurora.

<u>Name</u>	<u>Board or Commission</u>
Bernard Celestin	Human Relations Commission
Margaret Day	Aurora Fox Arts Center Board
Thomas Tobiassen	Citizens' Utility Advisory Committee
Anne Feeney	Art in Public Places Commission
Barbara Peck	Art in Public Places Commission

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

Beverly Meade, Aurora, CO, spoke to Council regarding her concerns with the City's residential foreclosure problem. The homes that have been foreclosed are being sold in "as is condition", and the condition is inhabitable; ultimately dropping property values below the 1980's value. Ms. Meade offered a solution of contacting the banks and figuring out who is responsible for selling these foreclosed homes; then the City can use code enforcement to require the homes to, at least, be habitable before they are put on the market.

Charles Dickinson, Aurora, CO, came to Council with concerns regarding Aurora's water pricing structure. He noted his support of both the philosophy and concept of water conservation, but was opposed to the City's "one size fits all" solution, which in reality does not encourage water conservation. Mr. Dickinson asked to speak at the upcoming Aurora Water Policy Committee meeting. Council Member Beer stated that the Aurora Water Policy Committee does not take testimony, but would be more than willing to personally discuss his concerns. Council Member Sandstrom offered her support as well.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-9i**

General Business

- b. Consideration to AWARD A SOLE SOURCE CONTRACT to Johnson Controls, Inc., Littleton, CO in the Guaranteed Maximum Price (GMP) not to exceed \$555,836.00 for Phase 3 of Design/Build Services to Repair/Upgrade HVAC Controls, Mechanical and Electrical Systems in buildings on the AMC campus.
- c. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Cottman Transmissions, Denver, CO in the amount not to exceed \$50,000.00 to perform fleet vehicle transmission repair services, RFP Number R-1306.

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- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Neve's Uniforms Inc., Denver, Colorado in the not-to-exceed amount of \$64,000.00 for Fire uniforms and tailoring services through July 2008.
- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to LER Inc., Denver, Colorado in the amount of \$326,806.36 for the Renovation of Tennis Courts at Horizon, Pheasant Run and Utah Parks, Project # 5109A.
- f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to BT Construction, Inc., Henderson, Colorado in the amount of \$2,357,519.00 for the 2007 Waterline Replacement Project, Project No. 06065.

Motion by Markert, second by Pierce, to approve items 9b-9f.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- a. Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to Barts Interiors, Inc., Aurora, Colorado in the not-to-exceed amount of \$69,000.00 for floor covering services through June 20, 2008, RFP Number R-1244.

Council Member Markert wanted to commend the City staff for working with local Businesses.

Motion by Markert, second by Wallace, to approve item 9a.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

Final Ordinances

- ◆ g. Consideration of an ORDINANCE FOR FINAL amending certain sections of Chapter 146 of the City Code of the City of Aurora Colorado, related to taverns in Commercial and Mix-Use Zone Districts.
- ◆ h. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, adopting an Amendment to the 2003 City of Aurora Comprehensive Plan allowing for Medium Density Residential use within that portion of the E-470/Northeast Plains area generally bounded by 64th Avenue, Picadilly Road, 56th Avenue, and Himalaya Avenue, and amending all associated land use maps accordingly (Painted Prairie).
- ◆ i. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, rezoning a parcel of land generally located on the Northwest corner of 56th Avenue and Picadilly Road from E-470 Airport-Corporate and Airport Distribution to E-470 Medium Density Residential and amending the Aurora Zoning Map accordingly (Painted Prairie). 640.0 acres more or less.

Motion by Beer, second by Hogan, to approve items 9g-9i.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

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10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, assigning and transferring to the City and County of Denver, Colorado, a portion of Aurora’s 2007 allocation from the State Ceiling for Private Activity Bonds to finance residential housing facilities for low- and middle-income persons and families within Aurora and certain other Cities and Counties in the State of Colorado; authorizing the delegation to Denver of the authority of Aurora with respect to the issuance of Single Family Home Mortgage Revenue Bonds to finance residential housing facilities for low- and middle-income persons and families within Aurora and certain other Cities and Counties in the State of Colorado; approving such bonds and the Single Family Mortgage Loan Program; and authorizing the execution and delivery of a Delegation and Participation Agreement, as Assignment Agreement, and other documents in connection therewith.

Council Member Broom asked staff if the program was open to all Aurora residents. Paul Andrus, City Planner, stated that the single family mortgage loan was open to all Aurora residents, income qualified.

Council Member Sandstrom stated that this program will indirectly help with the foreclosure concerns.

Council Member Wallace asked staff for specific income qualifications. Mr. Andrus stated that the amount for a family of two is under \$71,700 and under \$82,455 for a family of three or more. Council Member Wallace noted that one can make a good salary and still qualify for the loan program.

Motion by Hogan, second by Sandstrom, to approve item 10a with a waiver of reconsideration.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- ◆ b. Consideration to APPROVE A RESOLUTION by the City Council of the City of Aurora, Colorado approving Amendment Number 1 to Umbrella Contract 6EM82 between the Colorado Division of Emergency Management and the City of Aurora which Amendment shall extend the terms of the existing contract from August 14, 2007 through March 31, 2008 and which shall then allow the City to continue to receive State Pass Through Funding for grant awards or for emergency reimbursement.

Motion by Broom, second by Hogan, to approve item 10b.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- ◆ c. Consideration to APPROVE A RESOLUTION of the City of Aurora, Colorado, approving a License Agreement with the City and County of Denver for water line facilities crossing property at Denver International Airport.

Motion by Fitzgerald, second by Beer, to approve item 10c.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

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- ◆ d. Consideration to APPROVE A RESOLUTION for an amendment to the Intergovernmental Agreement (No. 05-07.04A) between the City of Aurora, Colorado and the Urban Drainage Flood Control District for improvements to West Tollgate Creek at Quincy Reservoir for Phase II.

Motion by Beer, second by Pierce, to approve item 10d.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ PUBLIC HEARING and consideration to APPROVE THE RESOLUTIONS listed in the agenda as items 11a – 11e concerning the approval of various new and amended 2007 Title 32 Metro District Service Plans and authorizing the execution of various new and amended Intergovernmental Agreements between the City and said Special Districts.

Nancy Bailey, Manager of Development Assistance, gave a brief overview of the two re-funding metro district plans and three new service metro districts. The service plans are in compliance with the City’s model service plan, with several exceptions that staff has deemed acceptable. Staff recommends approval of all five resolutions.

- a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plans for Colorado Science and Technology Park Metropolitan District Nos. 1-3 and authorizing the execution of Intergovernmental Agreements between the City and the Districts.

Council Member Beer asked staff to outline several areas of key variance. Ms. Bailey noted the changes in the service plan; essentially adding language for parking structure maintenance and the possible intent of creating an urban renewal area. There were also additions that assured the uses of potential revenue. Council Member Beer then clarified that this is the service plan that would cover the development of the Biotech Park adjacent to the Anschutz Medical Campus at Fitzsimmons.

Council Member Wallace asked staff to explain what the development is expected to become. Ms. Bailey stated that the proposed development plans to be a corporate research and development center with extensive office buildings. Specifics are limited at the present time.

Motion by Broom, second by Fitzgerald, to approve item 11a.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for Flat Rock Metropolitan District Nos. 1-8 and authorizing the execution of an Intergovernmental Agreement between the City and the Districts.

Motion by Hogan, second by Markert, to approve item 11b.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

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- c. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for Eagle’s Nest Metropolitan District and authorizing the execution of an Intergovernmental Agreement between the City and the District.

Motion by Pierce, second by Broom, to approve item 11c.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- d. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the issuance of Refunding Obligations by Conservatory Metropolitan District.

Motion by Sandstrom, second by Pierce, to approve item 11d.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- e. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the First Amendment to the Service Plan for Southlands Metropolitan District No. 1.

Motion by Pierce, second by Hogan, to approve item 11e.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration for an ORDINANCE FOR INTRODUCTION amending Section 147-48(b) of the City Code of the City of Aurora, Colorado, related to land dedication and small urban park requirements.

Council Member Fitzgerald asked staff to explain what this new classification is and why it is important. Tracy Young, Manager of Planning, Design & Construction, Parks & Open Space, described the classification language as a means to better address transit oriented and urban center development.

Motion by Beer, second by Markert, to introduce item 12a.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- ◆ b. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, submitting to a vote of the Registered Electors of proposed General Improvement District 1-2007 at the regular Municipal Election of November 6, 2007, a question concerning the organization of the district and a question authorizing the issuance of district bonds to construct and install a masonry fence and the levy of property taxes to fund debt service on such bonds and the maintenance of such fence. (Cherry Creek Racquet Club)

Nancy Sheffield, Director of Neighborhood Services, gave a brief introduction regarding the General Improvement District. She stated that the petitions had been reviewed and confirmed and met the City Code requirements of 30% registered district voters. In addition, notices of the public hearing were sent to all property owners. Staff stated the masonry fence will benefit the neighborhood’s community pride and property value.

Marianne Farrell, 4340 S. Abilene Circle, Aurora, CO, 80015, came before Council to speak in favor of the ordinance and give gratitude to City Council and City Staff.

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Jim Hensinger, 4420 S. Atchison Circle, Aurora, CO, 80015, President of the Cherry Creek Racquet Club, expressed his support and noted that many residents may not have attended because they assumed this project was in its end phase. He concluded by asking for the support of Council.

Barbara Stewart, 4426 S. Atchison Circle, Aurora, CO, 80015, spoke to Council in opposition of the ordinance on the grounds that the Architectural Committee had ignored the wishes of the majority of the community, and now they are attempting to place it on the ballots in order to get it passed. Ms. Stewart vented her chief concern with the fence which notes that 38% of the fence faces an alley and a side street; making this improvement not a community improvement but a real benefit for only four homes. She added that she was not interested in paying for the property value increase of those four homes.

P. Douglas McLemore, 4411 S. Abilene Circle, Aurora, CO, 80015, noted his immense support of the project, even though his property would not directly be affected by the construction.

Council Member Fitzgerald commented on the overall community benefits of General Improvement Districts.

Mayor Tauer confirmed with staff that the November mail-ballot question will be decided by the 50% who vote and not 50% of the whole neighborhood, meaning the results do not require a high turnout to approve the General Improvement District.

Motion by Broom, second by Fitzgerald, to introduce item 12b.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

13. **ORDINANCES FOR FINAL**

- ◆ a. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending Section 146-1224 of the City Code of the City of Aurora, Colorado, related to Daycare Homes.

Council Member Hogan stated he would once again vote against the ordinance, because he felt it did not take into account practical use in the City of Aurora.

Council Member Markert noted her concurrence with Council Member Hogan, stating once again that it does not take into account the practical use within the City of Aurora.

Council Member Sandstrom stated that although she had supported the ordinance at introduction, further discussion and study had led her to vote against it at final. She noted that this ordinance reconciles the differences between Planning Code and Building Code, but day care licensing comes from the State and not the International community. She noted that the City of Aurora should seek conformity with State codes instead.

Council Member Wallace noted her opposition to the ordinance.

Council Member Beer stated his support for the ordinance, stating that he opposes the practice of City by City amendments to the International Building Code. He stated that consistency with uniform adoption is a valuable tool for building.

Council Member Fitzgerald noted his support.

Mayor Tauer stated his opposition to the ordinance. Although he agreed with the reasons given by Council Member Beer, he had felt that the issue wasn't the building regulations, but

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occupancy guidelines. He then stated his concurrence with Council Member Sandstrom's position.

Motion by Pierce, second by Beer, to approve item 13a.

Voting Aye: Beer, Broom, FitzGerald, Peterson, Pierce

Voting Nay: Hogan, Markert, Sandstrom, Wallace, Mayor Tauer

Per the City Charter, Mayor Tauer voted in order to create a tie. The motion failed.

14. **ANNEXATIONS**

- ◆ a. Consideration for an ORDINANCE FOR INTRODUCTION annexing a parcel of land located in the Northwest quarter of Section 29, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Arapahoe County Water & Wastewater Authority/ Parcel 3) .23 acres.

Discussion for items 14a-14d took place together.

Scott VanGenderen, Project Manager, Development Assistance, gave a brief introduction regarding the two quarter acre parcels. He stated that the developers of CornerStar are purchasing these parcels, so it is only appropriate to include them as part of the CornerStar project. The four following actions seek to both annex and zone the two parcels.

Council Member Markert wanted staff to clarify the purpose as a commercial zone and not residential. Mr. VanGenderen confirmed that the two parcels will not be used for residential.

Holly Kirsner, 1410 17th Street, Denver, CO, 80202, was present to answer questions on behalf of the applicant.

Motion by Broom, second by Sandstrom, to introduce item 14a.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- ◆ b. PUBLIC HEARING and consideration for an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, for the initial zoning of a parcel of land generally located on the Southwest corner of Arapahoe Road and Parker Road to Planned Development, and amending the Aurora Zoning map accordingly. (CornerStar ACWWA Well Parcel 3) 0.23 acres more or less.

Motion by Broom, second by Pierce, to introduce item 14b.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- ◆ c. Consideration for an ORDINANCE FOR INTRODUCTION annexing a parcel of land located in the Northwest quarter of Section 29, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Arapahoe County Water & Wastewater Authority/ Parcel 4) .23 acres.

Motion by Sandstrom, second by Pierce, to introduce item 14c.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- ◆ d. PUBLIC HEARING and consideration for an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, for the initial zoning of a parcel of land

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generally located on the Southwest corner of Arapahoe Road and Parker Road to Planned Development, and amending the Aurora Zoning map accordingly. (CornerStar ACWWA Well Parcel 4) 0.23 acres more or less.

Motion by Fitzgerald, second by Peterson, to introduce item 14d.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

15. **RECONSIDERATIONS AND CALL-UPS**

None.

16. **GENERAL BUSINESS**

- a. Consideration to reappoint one incumbent member to a three-year term on the Historic Preservation Commission. STAFF SOURCE: Janice Napper, Assistant City Manager

Motion by Beer, second by Hogan, to reappoint Susan Ryden to the Historic Preservation Commission.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- b. Consideration to reappoint one incumbent member and appoint one new member to three-year terms on the Visitors Promotion Advisory Board. STAFF SOURCE: Janice Napper, Assistant City Manager

Motion by Sandstrom, second by Broom, to reappoint Kevin Hougén to the Visitors Promotion Advisory Board.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

Motion by Pierce, second by Hogan, to appoint Gian Gandolfo to the Visitors Promotion Advisory Board.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

17. **REPORTS**

- a. Report by the Mayor
- b. Reports by the Council

Council Member Peterson gave thanks to the wonderful responses given by residents for the July 4th celebration.

Council Member Fitzgerald spoke on the recent pit bull attack and then reminded Aurora residents that by law, this breed of dog is illegal within the City and should be reported to the Police and Animal Control.

Council Member Markert reminded residents of several upcoming social events: the Downtown Aurora Visual Arts (DAVA) youth gallery will be opening "Dreams" Thursday July 19th from 4:00-8:00 p.m. and her Ward IV Town Meeting at Amazing Jake's on July 26th at 7:00 p.m.

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Council Member Pierce announced the current exhibit "September 11, 2001, The First 24 Hours" is showing at the Aurora History Museum until September 30th. He noted the Parade of Homes is opening in Aurora at South Shore on July 28th.

Council Member Broom informed residents of the Water Treatment Plant ground breaking at the Aurora Reservoir on July 25th at 10:30 a.m.

Council Member Sandstrom thanked Arapahoe County for hosting a kick-off dinner for the upcoming County Fair which will be held from July 18th – 22nd.

Council Member Wallace asked residents to recycle their old phone books and then gave thanks to the Police Department for their recent D.U.I. checkpoint work.

Council Member Beer announced his Ward III Town Meeting for Monday July 23rd at 7:00 p.m. at the Aurora Municipal Center. He stated that the topic of the meeting will be water rates. He also added that the former Aurora Senior Center will celebrate the dedication of the official name change to "The Aurora Center for Active Adults" on Friday July 20th at 9:30 a.m.

18. **PUBLIC INVITED TO BE HEARD**

None.

19. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:41 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

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