

MINUTES

Regular Meeting – Aurora City Council Monday, October 15, 2007

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:04 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

1. **RECONVENE REGULAR MEETING OF OCTOBER 15, 2007 AND CALL TO ORDER**

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

2. **ROLL CALL**

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

3. **MOMENT OF SILENCE**

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 24, 2007**

Council Member Hogan did not vote under “consideration to recess for executive session.”

Motion by Sandstrom, second by Markert, to approve the minutes of September 24, 2007 as amended.

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

Abstained: Hogan

6. **CEREMONY**

- a. Swearing in of newly appointed Boards and Commission members – Presiding Judge Richard Weinberg

<u>Name</u>	<u>Board or Commission</u>
James Mitchell	Citizens' Water Advisory Committee
Carolyn Boller	Election Commission
Lorraine Walker	Election Commission
Sandee Campbell	Golf Course Advisory Committee
C. Omar Montgomery	Golf Course Advisory Committee
Tina Collins	Human Relations Commission

Presiding Judge Richard Weinberg 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.

- b. 2007 National Take Pride in America Award to The Church of Jesus Christ of Latter-Day Saints – Mayor Edward J. Tauer

Mayor Tauer invited The Church of Jesus Christ of Latter-Day Saints local Stake's to come forward to recognize their National accomplishments. President Jared Dorny, along with Lyn Johnson from the Arapahoe Stake and Kendi Hylton from the Aurora Stake, accepted the honors and returned the honor by presenting Mayor Tauer and the City of Aurora with the National Take Pride in America Award which they had recently received in a ceremony in Washington D.C. Elder Randy Sunk noted his appreciation for the City's Parks and Open Space Department. Jack Cooper, Director of Parks and Open Space, thanked the recipients and Council Member Frazier for their hard work in making the program a success.

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

Gary Gustafson, Jr., Aurora, CO, raised his concerns with the price of trash pickup for charity donations. He requested the City pursue more affordable options. He also asked Council to take up a more diverse recycling program including computers and other more difficult and less bio-degradable products. Mayor Tauer told Mr. Gustafson that the City uses private contractors for pickup; he then directed him to speak with City Attorney Charlie Richardson regarding the city trash regulations. Mayor Tauer also directed Mr. Gustafson to speak to City Manager Ronald Miller regarding the City's green energy concepts and current projects.

Renee Dees, Federal Heights, CO, representing "The Senior Hub," a non-profit organization, recently opened an office in Aurora. She invited Council to attend a fundraiser called the Madrigal Dinner on December 5th at 6:30 at I-25 and East 58th Avenue. She then invited residents to come and learn about the great services provided by the organization.

Francis Peter Maks, Jr., Aurora, CO, spoke to Council concerning City Code Enforcement relating to Fanfare Buildings. Mr. Maks read parts of the section 22-636 of the City Code pertaining to code enforcement. Mr. Maks questioned Council on the expectations of residents to bring their properties up to code when codes are not being enforced on a large commercial property.

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8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-9e**

General Business

- a. Consideration to APPROVE THE RECOMMENDATION to commission artist Sheila Ghidini for a Public Art Project in the Mission Viejo Park.
- b. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Market View, Denver, Colorado in the amount not to exceed \$90,000.00 to perform consultant services for an Economic Development Administration (EDA) grant issued to the City for a Job Linkages Project in Original Aurora, RFP Number R-1324.

Motion by Markert, second by Pierce, to approve items 9a-b with a waiver of reconsideration on 9b.

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

Final Ordinances

- ◆ c. Consideration of an ORDINANCE FOR FINAL amending certain sections of the Zoning Code.
- ◆ d. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, initially zoning to NA (Natural Area District) a parcel of land generally located on the southwest corner of Irish Drive and Clifton Place, and amending the Aurora Zoning Map accordingly (Ponderosa Preserve), 33.46 acres more or less. (Case Number 2007-2015-00).
- ◆ e. Consideration of an ORDINANCE FOR FINAL amending Section 2-648(a) of the City Code of the City of Aurora, Colorado, regarding the forgiveness of loans made pursuant to the Art District Loan Program.

Motion by Sandstrom, second by Markert, to approve items 9c-e.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the implementation of the Small Business Enterprise Program (SBE) for the City of Aurora.

Council Member Frazier noted the objective of the resolution is to create a stronger small business community in Aurora.

Motion by Frazier, second by Beer, to approve item 10a.

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

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- ◆ b. Consideration to APPROVE A RESOLUTION approving the transfer of property from Lennar Colorado, LLC, to the City of Aurora, Colorado, by Warranty Deed.

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

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

- ◆ c. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving a loan made under the Art District Loan Program to Shadow Theatre Company, the terms and conditions of which provide for the forgiveness of the principal of and interest on such loan.

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

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

- ◆ d. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of the Economic Development Incentive Agreement between the City and Weingarten/Miller/MDH Buckingham, LLC.

Motion by Markert, second by Fitzgerald, to approve item 10d.

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, adopting an Operating and Capital Improvements Projects Budget for the fiscal year beginning January 1, 2008, and ending December 31, 2008.

Motion by Hogan, second by Wallace, to introduce item 11a.

AMENDMENT:

Motion by Markert, second by Pierce, to amend item 11a to adjust the funding so that the Historic Preservation Services Coordinator moves from a part-time contract position to a full-time position.

Council Member Markert asked to amend a contract position to a full time position within the Historic Preservation Services in order to keep the expertise and assist with the workload.

City Manager Miller noted that the reassignment of money can be done with the consent of Council.

VOTE ON AMENDMENT:

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

VOTE ON MAIN MOTION, AS AMENDED:

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

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- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION 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, 2008, and ending December 31, 2008.

Council Member Beer asked staff to explain why the 1.5% reduction in the levy. Greg Hays, Acting Budget Officer, stated that the voter approved bonds are the same price and the property taxes have gone up 7.5%, so the City can acquire the same amount of money while charging less.

Motion by Broom, second by Sandstrom, to introduce item 11b.

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

- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2008, and ending December 31, 2008.

Motion by Hogan, second by Pierce, to introduce item 11c.

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

- ◆ d. Consideration of an ORDINANCE FOR INTRODUCTION amending Chapter 126 of the City Code of the City of Aurora, Colorado, by the addition of Article IX relating to newsracks in the Arts District in Original Downtown Aurora.

Council Member Fitzgerald stated his support for the pilot program and the intent, but would be voting no because it violates two fundamental principles of journalism, distribution and free speech.

Council Member Beer echoed the concerns made by Council Member Fitzgerald, stating that he could not support the item.

Motion by Wallace, second by Markert, to introduce item 11d.

Voting Aye: Broom, Hogan, Markert, Pierce, Sandstrom, Wallace

Voting No: Beer, Frazier, Fitzgerald

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, vacating entirely Yuba Street which is generally located south of Colfax Avenue and west of Peoria Street, City of Aurora, County of Arapahoe, State of Colorado (Fitzsimons Hotel at Lighthouse Plaza, Case Number 2007-8003-00).

William Davidson, Planning, gave a brief description of the item. He noted the vacation request was part of the Fitzsimons Hotel at Lighthouse Plaza site plan, and that it had already been heard and approved by the Planning Commission. This item was the sole remaining piece of the master plan.

Council Member Broom asked staff to correct the item title to read "west of Potomac Street" instead of "west of Peoria Street." Staff confirmed the printing error and stated it would be corrected prior to the presentation of final ordinance.

Council Member Wallace noted that this endeavor was simply the first step to a great project.

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Donald Boos, 500 Graves Boulevard, Salina, KS 67401, 785-825-2221, from Lighthouse Properties and Bill Valdez, 525 North Cascade Suite 200, Colorado Springs, CO 80903, 719-634-0205, from DLR Group were present to answer questions.

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

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

13. **ORDINANCES FOR FINAL**

- ◆ a. Consideration of an ORDINANCE FOR FINAL amending Subsection 134-356 of the City Code of the City of Aurora, Colorado relating to Special Local Restrictions.

Council Member Sandstrom thanked staff for their support and noted that the ordinance itself did not alter any existing truck routes, but it does give Council the authority to negotiate truck routes and route hours in the future.

Motion by Sandstrom, second by Broom, to approve item 13a.

Voting Aye: Beer, Broom, FitzGerald, Frazier, Hogan, Markert, Pierce, Sandstrom

Voting No: Wallace

14. **PLANNING MATTERS**

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning a parcel of land generally located east of Tower Road, approximately 300 feet north of 32nd Parkway from M-1 to B-3, and amending the Aurora Zoning Map accordingly (Gateway Park IV East), 20.7 acres more or less. (Case Number 2007-2017-00).

William Davidson, Planning, gave a brief introduction of the item noting it was approved by the Planning Commission and it had no neighborhood objections.

Dick Quinn, 3855 Venista Street Suite 100, Aurora, CO 80011, 303-371-9000, was present to answer questions for the applicant.

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

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

- ◆ b. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning a parcel of land generally located on the southeast corner of 4th Avenue and Abilene Street from PD-Commercial to PD-Residential/Commercial with an accompanying General Development Plan, and amending the Aurora Zoning Map accordingly (Abilene Station), 18.5 acres more or less. (Case Number 2006-2014-00).

Ed Arnold, Planning, gave a short introduction of the proposed re-zoning; noting the General Development Plan was a transit oriented master plan. He stated that both RTD and FasTracks have proposed the location be a Kiss-N-Ride location and not a Park-N-Ride based on the high-density pedestrian setting and lack of major arterial roadways. Mr. Arnold mentioned Planning Commission's and City Council's previous support for urban park & street standards. He concluded by noting the full support of staff.

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Council Member Pierce asked staff if they were still working on the landscape and signage standards how they could request waivers for those items; considering they had yet to be determined.

Ed Arnold noted that the waivers being requested were for existing landscaping and signage standards.

Council Member Pierce followed by asking staff if the more desirable approach may simply be to wait until the standards are all in place before we generate the waivers.

Ed Arnold stated that the current standards will aid in the creation of the new standards, which will then be presented in the form of an ordinance before Council.

Council Member Hogan stated that he had serious concerns with the projects inability to provide enough parking. He stated that previous Kiss-N-Ride stations parking lots are overflowing and this should trigger a reason to create more parking spaces in future projects.

Ed Arnold stated that the designation of a Kiss-N-Ride did not require a parking area by RTD / FasTracks standards.

Council Member Hogan noted his understanding of the standards, but shared his concern for previous Kiss-N-Ride stations that appear to have parking problems.

Council Member Markert added by echoing her concerns for the eminent parking spillover.

Carl Worthington, 1805 29th Street, Boulder, CO, 303-449-8900, representing Oz Arch, responded to Council's questions by reiterating the reasons RTD / FasTracks have declared the location a Kiss-N-Ride versus a Park-N-Ride. A Park-N-Ride is built when there is access to major arterial road ways, while the Kiss-N-Ride are those stations that lie between the Park-N-Rides and are connected to local roads and heavier pedestrian traffic. The objective is to build the density in the neighborhood around the Kiss-N-Ride and not attract regional commuters.

Council Member Hogan stated that the location currently will, regardless of the objective, become a parking nightmare. He noted that many drivers in the area will find it very easy to seek parking by simply using 2nd Avenue to go under I-225. He stated that the population density will be there, but the streets will be clogged with cars.

Carl Worthington stated that the lack of parking will aid in the absence of its use as a Park-N-Ride. The location is a local pedestrian neighborhood and fits the Kiss-N-Ride model.

Council Member Markert stated that the model on paper and its practical effectiveness conflict. She stated that if the location was to be properly usable, it would need parking to accommodate what will surely become a defacto Park-N-Ride. She stated that the location was in the middle of a regional economic area that requires more parking and suggested that the applicant revise the plan to include the actual needs of the location.

Council Member Pierce asked the applicant who determined the location to be a Kiss-N-Ride instead of a Park-N-Ride. Mr. Worthington stated that the designation plan is determined by RTD. He noted that C-DOT has some input as well. He then stated that by creating a Park-N-Ride in order to provide additional parking you actually encourage more traffic and dilute the pedestrian mobility and ultimately displace the retail spaces. He noted that the goal should be to emphasize the pedestrian use and have as many services as you can.

Council Member Fitzgerald recognized the experience and expertise of both Council Member Hogan and Council Member Markert regarding related parking and transportation issues. He

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then stated that the so called "walking population" isn't clearly visible. He recommended that the applicant revise the plan and include additional parking.

Carl Worthington stated that they would consider the recommendations and went on to note the importance of working closely together to construct a balance.

Council Member Broom stated that he was in support of the project and the location fit the Kiss-N-Ride model. He noted that the land was too small for additional parking and already had a great bike trail connection through Highline Canal; in addition, the area was fairly isolated and served only local streets. He then asked the applicant if the construction design of TOD's (Transit-Oriented Development) is better organized with commercial on the ground floor and residential above or to have the two uses segregated evenly.

Carl Worthington stated that if you cannot achieve the vertical use of mixes then you seek a horizontal mix with longer walking distances and a need for an automobile. He stated that he's had tremendous success in Boulder with creating a vertical mix design, ultimately creating a compact walker-friendly neighborhood.

Council Member Frazier stated his support of Council Member Broom and the applicant's proposed item.

Council Member Beer stated his strong support of the item. He noted that the project was a great example of what central Aurora should hope to become. He noted that the applicant is merely being consistent with State and RTD standards, and by pursuing additional parking the City risks damaging both the project and the neighborhood. He added his support to high density pedestrian friendly transportation system.

Council Member Hogan stated that his objection to the project had nothing to do with proper development, and everything to do with being realistic and conscious about the certainty of overcrowded parking.

Council Member Pierce gave his objections which were both questioning the Kiss-N-Ride versus a Park-N-Ride and the lack of landscape/signage standards. He believed the project just was not ready for Council.

Both Joe Stifter and David Erb of 8480 East Orchard Road #5550, Greenwood Village, CO 80111, 303-740-7557, were available for questions.

Motion by Beer, second by Wallace, to introduce item 14b.

Voting Aye: Beer, Broom, Frazier

Voting No: FitzGerald, Hogan, Markert, Pierce, Sandstrom, Wallace

Ordinance Fails 3-6.

Mayor Tauer told the applicant that Council liked the proposal, but simply requested more parking. The idea that the location was right for a Kiss-N-Ride clashed with Council's projection of what had been seen at other locations. He noted that if the proposal could be corrected quickly enough, it could be recalled.

- ◆ c. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning a parcel of land generally located on the southwest corner of Mississippi Avenue and Tower Road from PCZD-Commercial to B-1 (Retail Business District), and amending the Aurora Zoning Map accordingly (Tower Landing), 3.0 acres more or less. (Case Number 2007-2009-00).
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Peter Kernkamp, Planning, gave a brief introduction of the item. He noted that the rezoning proposal was approved by the Planning Commission. He stated that the only issue brought before the applicant was the construction of a 9' masonry fence that would replace the current 6' wood fence. The fence was intended to act as the boundary between the commercial zoning.

Rick Miller, 4725 South Monaco Street #330, Denver, CO 80237, 303-782-5505, spoke to Council representing the developer LLC. He stated that City staff was more than helpful and noted they had met with the homeowners twice and made several negotiations regarding the fence and commercial use restrictions. He sought the support of Council.

Council Member Pierce asked the developer if the neighborhood residents were comfortable with the construction of the fence. Mr. Miller stated that he felt the community was content with the proposed fence and the landscape buffer.

Leslie Gerard, 1192 South Zeno Way, Unit G, Aurora, CO 80017, 303-671-8166, told Council she was unhappy with the proposed fence in her community, stating it would damage quality of life, add additional traffic and add to safety concerns. She felt residential overcrowding would hurt the housing market and create vacancies. She continued to detail the perceived traffic congestion and how it would spoil the community. She concluded by stating to Council that if they item is approved, the community would seek a waiver for a 9' masonry fence with columns to be placed along the southern and western borders.

Mayor Tauer told Ms. Gerard if the zoning were not to change, the current commercial zoning would either be just as harmful if not more. Ms. Gerard did not completely agree or disagree, she still had concerns with the traffic.

Rick Miller responded to the residents concerns and stated that he did meet with the City's traffic department and saw the proposal as creating less traffic than the current zoning. He also stated that a deceleration lane would be added in order to aid in potential traffic issues. The developer felt that the project met the concerns and needs of the community.

Council Member Pierce asked staff to distribute the final site plan to the residents in order to better deal with future concerns. He noted that tonight's vote was simply a rezoning issue and not the details of a site plan.

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

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

- ◆ d. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning a parcel of land generally located on the southwest corner of Mississippi Avenue and Tower Road from PCZD-Commercial to R-2M (Medium Density Multiple-Family Residential), and amending the Aurora Zoning Map accordingly (Tower Landing), 6.95 acres more or less. (Case Number 2007-2010-00).

Motion by Pierce, second by Hogan, to introduce item 14d.

Voting Aye: Beer, Broom, FitzGerald, Frazier, Hogan, Pierce, Sandstrom, Wallace

Voting No: Markert

15. **RECONSIDERATIONS AND CALL-UPS**

None.

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Council Member Hogan informed staff that item 14b may be recalled if the parking issue for the Kiss-N-Ride can be worked out between them and the applicant.

16. **GENERAL BUSINESS**

None.

17. **REPORTS**

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

Council Member Beer stated that the Ward III Town Meeting would be on Monday October 22nd in the Aurora Room of the Aurora Municipal Center. The topic of the meeting would be property values with special guests including the County Assessor and the Arapahoe County Public Trustee.

Council Member Wallace noted her attendance at the Aurora Fire Department Retirement Awards, and explained the delight witnessing the honors given to some of the City's heroes. She went on to invite residents to the annual "Battle of the Badges" on Friday November 16th at Red and Jerry's, 1840 W Oxford Ave, Sheridan, CO. The fundraising battle will be between Colorado Police officers and Massachusetts Police officers.

Council Member Sandstrom congratulated Dr. Debora Gilliard on her recent "Aurora Business Woman of the Year" award.

Council Member Pierce alerted residents of an outdoor siren system test on November 13th at 11:00 a.m. He then informed the public about the results of the annual Household Chemical Roundup: 1,750 gallons of motor oil; 500 gallons of anti-freeze; 10 pounds of mercury; 75,000 pounds of paint; 243 tires; and 8,000 batteries.

Council Member Markert gave her appreciation to her former Citizen's Advisory Budget Committee appointee Ms. Barbara Johnson and then stated her new selection to the Committee Mr. Don Gordon. She then invited the residents to a rally entitled "Keep the Lights on After School" on Thursday October 18th at 3:30 p.m. in Ward I in support of the after school programs in Aurora. Next she invited residents to attend the Craft Sale on Saturday October 20th at Gateway High School, which will host more than 130 vendors. Finally, she encouraged residents to attend the Ward IV Town Meeting on Thursday October 25th at the Life Care Center at 6:30 p.m.

18. **PUBLIC INVITED TO BE HEARD**

None.

19. **ADJOURNMENT**

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

EDWARD J. TAUER, Mayor

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ATTEST:

DEBRA JOHNSON, City Clerk

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