

**MINUTES**

**Regular Meeting – Aurora City Council  
Monday, December 10, 2007**

**CALL TO ORDER – EXECUTIVE SESSION**

Mayor Tauer convened the Executive Session of City Council at 5:07 p.m.

**ROLL CALL**

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

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

**CALL TO ORDER – EXECUTIVE SESSION**

Mayor Tauer convened the Executive Session of City Council at 7:10 p.m.

**ROLL CALL**

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

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, Broom, FitzGerald, Frazier, Hogan, Markert, Peterson, Pierce,  
Sandstrom, Wallace

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

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1. **RECONVENE REGULAR MEETING OF DECEMBER 10, 2007 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:32 p.m.

2. **ROLL CALL**

PRESIDING: Mayor Tauer  
COUNCIL MEMBERS PRESENT: Beer, Broom, FitzGerald, Frazier, Hogan, Markert,  
Peterson, Pierce, Sandstrom, Wallace  
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 NOVEMBER 26, 2007**

Motion by Markert, second by Pierce, to approve the minutes of November 26, 2007, as presented.

Council Member Markert asked staff for clarification regarding the backup for the fire uniform purchase as it relates to the supplemental memorandum being added to the existing documents. (Page 11, Item D) Charles Richardson, City Attorney, agreed it would be added.

Mayor Tauer asked staff if the supplemental memorandum would be added as a part of the official minutes. Debra Johnson, City Clerk, answered affirmatively.

Mayor Tauer asked who would be responsible for that information. Ms. Johnson stated that was a police issue and would be provided by the Police Chief.

Council Member Markert stated it was the contract with Public Safety Warehouse.

Mayor Tauer asked City Attorney Richardson to follow up on that concern. Mr. Richardson agreed to do so.

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

Abstained: FitzGerald, Frazier

6. **CEREMONY**

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

<u>Name</u>	<u>Board or Commission</u>
Don Gordon	Citizens' Advisory Budget Committee
Augustin Jazo	Judicial Performance 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.

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- b. Swearing in of new Relief Judges – Presiding Judge Richard Weinberg  
  
Kathleen Boland  
Felicia George  
Jess Vegil

Presiding Judge Richard Weinberg administered the oath of office to the new Relief Judges. Mayor Tauer and City Council congratulated the judges and thanked them for their service to Aurora.

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

None.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with items 10b-c removed from the agenda.

Council Member Markert noted the agenda states the applicant's deferral request for Item 11a under Planning Matters is incorrect and should state Item 12a.

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

**General Business**

- a. Consideration to SET Regular Council Meetings at 7:30 p.m., APPROVE location for public posting of agenda at East entryway to City Hall, 15151 East Alameda Parkway.
- b. Consideration to APPROVE the 2008 City Council Meeting Calendar.
- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Bibliographical Research Center, Aurora, Colorado in the not-to-exceed amount of \$68,800.00 to cover the cost of on-line library database services/maintenance as required through December 2008.
- d. Consideration to AWARD SINGLE SOURCE CONTRACTS in the combined total not-to-exceed amount of \$175,000.00 to Colorado Petroleum Products of Denver, Colorado and Rex Oil Company of Lyons, Colorado to cover the cost of motor vehicle fuel for the City's golf courses as required for 2008.
- e. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Portable Computer Systems, Littleton, Colorado in the not-to-exceed amount of \$995,000.00 for the purchase and installation of replacement mobile data computers for the Police and Fire Departments through December 2008 (RFP #R-1332).

Motion by Markert, second by Peterson, to approve items 9a-e.

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

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**Final Ordinances**

- ◆ f. Consideration of an ORDINANCE FOR FINAL of the City of Aurora, Colorado, authorizing the issuance and sale of City of Aurora, Colorado, Multifamily Housing Revenue Refunding Bonds (Liberty Creek Project) Series 2008, dated January 1, 2008, in an aggregate principal amount not to exceed \$28,000,000 for the purpose of financing multifamily residential housing facilities; authorizing and directing the delivery of a financing agreement, a trust indenture, a first amended and restated tax regulatory agreement, a remarketing agreement, a bond purchase agreement, and related documents; authorizing and directing the execution and delivery of such bonds; making certain determinations with respect thereto; providing for redemption and maturity of the bonds and other details in connection therewith; authorizing officers of the City to take action incidental thereto.
- ◆ g. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, vacating a portion of Orchard Road between Aurora Parkway and Powhaton Road within the Southlands Subdivision Flg. No. 14, which is generally located on the southeast corner of Aurora Parkway and Orchard Road, City of Aurora, County of Arapahoe, State of Colorado (Villages at Southlands CSP No. 28) 0.0241 acres more or less.
- ◆ h. Consideration of an ORDINANCE FOR FINAL of the City of Aurora, Colorado, authorizing the use of Lease-Purchase Financing to acquire new equipment for the Aurora Fire Department.

Motion by Sandstrom, second by Markert, to approve items 9f-h.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving a request for funding from the Visitors Promotion Account in excess of \$25,000.

Motion by Peterson, second by Pierce, to approve item 10a.

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

- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado approving the Contract by and between the City of Aurora and the Regional Transportation District (RTD) to provide pass through funding assistance for the development of a station area planning study for the Colfax-Fitzsimons South Station.

***Item 10b deferred to the January 7, 2008 City Council meeting***

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- ◆ c. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado approving the contract by and between the City of Aurora and the Regional Transportation District (RTD) to provide pass through funding assistance for the development of a station area planning study for the 4th Avenue Station at Abilene Street.

***Item 10c deferred to the January 7, 2008 City Council meeting***

- ◆ d. Consideration to APPROVE A RESOLUTION approving the filing of an application for a Plan for augmentation for continued farming of lands historically irrigated under shares of stock in the Rocky Ford Ditch transferred for use by Aurora in Case No. 99CW169, District Court, Water Division 2.

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

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION amending Section 138-223 of the City Code of the City of Aurora, Colorado, regarding Water Rates.

Peter Binney, Water Department, clarified this ordinance would allow the 2007 water rate structure to remain until a new rate structure could be examined.

Council Member Beer stated the 2008 Tap Fee Plan would still go into effect January 1, 2008 as originally scheduled.

Motion by FitzGerald, second by Beer, to introduce item 11a.

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

12. **PLANNING MATTERS**

- a. PUBLIC HEARING for a Contextual Site Plan for 130 single-family residential units on 33.58 acres generally located southeast of E-470 between Glasgow Drive and County Line Road. (Timber Ridge Contextual Site Plan No. 1)

***Item 12a deferred to the January 28, 2008 City Council meeting upon applicant's request.***

- ◆ b. PUBLIC HEARING and reconsideration 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.

Michael Smyth, Planning Department, gave a brief summary of the item.

Council Member Hogan asked the status of the IGA. Mr. Smyth stated it was currently underway with the applicant and Public Works.

Mayor Tauer clarified the options for additional parking on Abilene Street and separate lot. Mr. Smyth stated the applicant would describe the options as General Development Plan (GDP)

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amendments and Council would approve either or both. This would then become a future GDP amendment. Mayor Tauer stated an amendment was not being presented. Mr. Smyth concurred, noting the applicant could bring the GDP back with the amendments incorporated if that was what Council desired. Mayor Tauer asked staff if this was discussion rather than decision time. Mr. Smyth noted it was at the Council's discretion.

Council Member Pierce noted this was for a rezone and an accompanying GDP. Mr. Smyth stated the rezoning was the primary option and the GDP describes those restrictions and conditions.

Council Member Beer stated this was a rezoning and GDP for a residential development project that stands alone whether or not a Light Rail facility is attached. He noted it has sufficient parking for its current residents, and meets design standards to the extent that future parking concerns might arise due to the anticipated Light Rail station planned for 2015. The parking is a RTD issue.

Council Member Hogan asked how the IGA was factored in to ensure it would be in place when the Light Rail station opens, and if that could be a condition for approval. Mr. Smyth referenced Page 149, Item 1 in the backup materials, noting that condition was attached. Council Member Hogan noted the remainder of the project could not be underway until the IGA is approved regardless of the IGA's impact. Mr. Smyth concurred.

Mayor Tauer noted a Kiss n' Ride is considered as people being dropped off and picked up rather than parking a car. He suggested this might not be efficient in the future and while the development has adequate parking currently, it was being built with the Light Rail station in mind.

Council Member Markert noted there has been considerable discussion regarding the alignment of the Light Rail stations to I-225 and the east corridor, and asked if this station location was already determined.

Loretta Daniels, Principal Planner, discussed the RTD Light Rail construction plans.

Council Member Markert stated making this location permanent does not benefit the process.

Bob Watkins, Planning Director, stated none of the stations were firm however; development could not stop until that was decided. Many developments were located near proposed station areas and knowing what they do, staff must do their best by the applicant and requiring adequate parking be provided as specified in the options was a good means of doing so.

Council Member Markert stated if this Light Rail station moved then this project would be developed with a hole in the middle. Mr. Watkins stated the stations were small so the hole would be small, but the applicant might change the project because characteristics have changed.

Council Member Frazier stated it could not really be one option or the other. Mr. Smyth stated the intent was to provide as much parking as possible, and it was a combination of the options; it could be all or one. He stated the Metro District was in charge of implementing the Parking Management Plan.

Council Member FitzGerald stated the developer was willing to build this project betting on the RTD Kiss n' Ride and if that was the case, this was not a Council decision.

Council Member Hogan asked if the 100 spaces was an existing or planned detention area and if so, would the land have to be replicated elsewhere for detention. Mr. Smyth stated underground detention would be necessary.

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Carl Worthington, 1805 29th Street, Boulder, CO 80302, representing the applicant, gave a brief summary of the item. He stated the detention was proposed as a pocket park however if RTD finds additional parking was needed, then that site could be converted. Additionally, 65 spaces are available for Park n' Ride or whatever RTD might need. The IGA has been written and would be adopted at the recording of this plan.

Council Member Beer expressed his appreciation to the applicant for taking the additional time to meet with staff and for demonstrating flexibility in their planning. He asked if any assurances could be provided regarding parking impacts to the neighborhood on the west side of this development. Mr. Worthington noted the parking situation could be handled similarly to this with discussions with the City.

Council Member Markert discussed concerns regarding the applicant's lack of appreciation for the location of the development in proximity to 6th Avenue, that the project is generous with the City's resources, whether this development is in the public benefit, and the Metro District implementing the parking management plan. Mr. Worthington discussed the IGA and partnership between the City and the Metro District.

Mayor Tauer asked the City Attorney to speak to the applicant's assertion that the City was a partner in the operation of a Metro District once it is approved. Mr. Richardson did so, noting the linkage of the Metro District to the IGA in the context of the parking is weak.

David Erb, also representing the applicant, stated the IGA language has been agreed to by the City Attorney's office and would be signed when the GDP was recorded. The IGA was crafted so that the Metro District is responsible for enforcing on-street parking, which includes the 65 spaces on Abilene, and 150 on-street parking spaces which the Metro District and City shared rule-making for those spaces that the Metro District would enforce.

Mr. Richardson asked what practical sanction would occur if the Metro District did not fulfill its obligation as it relates to parking. Mr. Worthington noted a parking authority was not established in the City therefore no other enforcement procedures were at hand. At such time when one is realized, then the City may take over that enforcement. Additionally, it was the City that requested the Metro District be responsible.

Council Member Markert asked why the IGA was not available for Council review. Mr. Worthington confirmed it was finalized and apologized that it was not included in Councils' packet. Council Member Markert stated it should have been attached to the proposal. She stated there would be those who do park at Kiss n' Rides, and expressed concerns for those who live along 6th Avenue as a point of access to the rest of the Metro area. By allowing RTD to box in what is available in an area does not serve the public good. She disagreed with RTD's designation and the applicant's lack of acknowledgment that they were using a public entity for their benefit rather than the public good. Mr. Worthington stated the applicant was offering as much as possible without destroying the small village they were developing.

Mayor Tauer noted there were 65 potential spaces on the street and another 100 on the detention pond, and asked the applicant to clarify what trigger was in place should a legal entity decide to put spaces on the ground leaving the design and drainage to be worked out with City staff. Mr. Worthington stated the trigger was RTD and the City finding more parking is necessary and if sites were available for a parking structure. Mayor Tauer asked what legal entity was responsible for that. Mr. Worthington stated RTD.

Mr. Erb stated the drainage pond and park were set up to be owned by the Metro District who could in turn pledge to turn it over to the City for parking purposes. The land would be turned over to RTD for no cost and RTD would pay for the improvements.

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Mayor Tauer asked the applicant to speak to where land was located for a possible parking structure. Mr. Worthington did so; noting RTD would need to purchase existing land or buildings to do so.

Council Member Broom asked staff the number of surface parking spaces at the Dayton Street station and how many were used. Ms. Daniel stated slightly over 200 and she was uncertain to the utilization rate. Council Member Broom noted it was RTD's responsibility to provide parking as it was their project.

Council Member Beer supports the project, noting this was a quality project and would be applauded if the Light Rail line was not anticipated. The bigger issue affects this site as well as numerous sites in Aurora and that is what this area of the City would look like in the future. He stated approving this project moves the City forward to being a multi-model community.

Council Member Hogan expressed concerns regarding RTD-type parking. He concurred with Council Member Beer's comments regarding the project quality as well as Council Member Markert regarding the bigger picture. He concluded the item should move ahead and suggested staff attend all RTD meetings to warn them that parking will be an issue that needs to be addressed.

Council Member FitzGerald supports the item. He expressed appreciation for the applicant's direct answer regarding the land transfer.

Council Member Peterson wanted to make sure the GDP amendment to accept the generosity for the land dedication for the additional 100 spaces in the future if needed as called out in the Option B was accepted, and if so, she would support the item.

Council Member Markert expressed concerns regarding the lack of public benefit from this development. She agreed it was a good development and expressed appreciation for the applicant's efforts, but she will not support the item without the GDP and IGA being legally tied.

Council Member Pierce voted in opposition previously but will vote in favor tonight.

Council Member Sandstrom concurred. She expressed concerns regarding RTD and not this applicant.

Council Member Wallace concurred.

Mayor Tauer agreed this was a great project regardless of Light Rail but was not certain it would be presented if it were not for Light Rail. The Light Rail station was not designed for parking and he was not convinced the plan was as realistic as RTD would like to believe it was.

Mr. Richardson agreed to work in cooperation with staff to ensure Option B, the dedication of parking spaces, is a firm commitment.

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

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

Voting Nay: Markert

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- ◆ 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 northeast corner of Parker Road and South Dayton Street from B-4(Business and Commercial District) to R-2 (Medium Density Residential District), and amending the Aurora Zoning Map accordingly (Cottages at Dayton Place), 2.3 acres more or less.
- ◆ 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 northeast corner of Parker Road and South Dayton Street from R-2M (Medium Density Multiple Family Residential District) to R-2 (Medium Density Residential District), and amending the Aurora Zoning Map accordingly (Cottages at Dayton Place), 2.5 acres more or less.

Michael Smyth, Planning Department, gave a brief summary of items 12c and 12d.

Mayor Tauer stated this was passed unanimously by the Planning Commission and supported by staff.

Shirley Scott, 9995 East Hawaii Place, Denver, CO 80247, representing the Tyndall Green II HOA, spoke in support of the items.

Motion by Markert, second by Hogan, to introduce item 12c.

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

Motion by Markert, second by Wallace, to introduce item 12d.

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

- ◆ e. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending the General Development Plan for mixed-use development of 158.25 acres of land generally located on the southwest corner of the intersection of Arapahoe and Parker Roads, City of Aurora, County of Arapahoe, State of Colorado to Planned Development and amending the Aurora Zoning Map accordingly (CornerStar).

Michael Smyth, Planning Department, gave a brief summary of the item.

Terry Rucker, 677 South Colorado Boulevard, #200, Denver, CO 80246, representing the applicant, gave a brief presentation of the item. He noted this was a housekeeping measure regarding the realignment of South Chambers Way, setback along Arapahoe Road, drainage culverts, tenant sign criteria, and a language change by the Architectural Review Committee.

Council Member Broom asked if this was the last approval needed to begin construction, and if so, when would construction begin. Mr. Rucker stated it has begun, and was scheduled to be completed October 2008.

Motion by Broom, second by Frazier, to introduce item 12e.

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

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- ◆ f. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending the General Development Plan to amend uses and to increase the total square footage (from 1,792,930 to 6,550,000) of uses in the Colorado Science and Technology Park generally located north of Montview Boulevard between Fitzsimons Parkway and Peoria Street to Sandcreek Trail and amending the Aurora Zoning Map accordingly.

Mindy Parnes, Planning Department, gave a brief summary of the item.

Michael Sheldon, 5290 DTC Parkway, #166, Greenwood Village, CO 80111, representing the applicant, introduced the applicant's team, the project and expressed appreciation to Council and staff for their efforts.

Wendy Birchler, 1101 Bannock Street, Denver, CO 80204, representing the applicant, gave a presentation of the item, and expressed appreciation to staff and the Fitzsimons Redevelopment Authority (FRA) for their efforts with this project.

Council Member Broom asked how many employees were anticipated for this campus. Mr. Sheldon stated between 30,000 and 40,000. Council Member Broom asked if one RTD stop was sufficient for that number of employees. Mr. Sheldon discussed how adequate infrastructure would be created for this park.

Jill Farnum, representing the applicant, noted an additional Light Rail station was planned at Colfax and Fitzsimons Parkway.

Council Member Hogan noted that station serves the hospitals more directly and given the density on the northwest, it made sense to have an additional station at that location.

Council Member Peterson asked the applicant to restate the boundaries on the north end. Ms. Berchler did so, noting there was no impact on the greenway.

Council Member Pierce noted getting this project in place was a momentous occasion. He expressed concerns related to a Planning staff member being on the development review board.

Motion by Wallace, second by Sandstrom, to introduce item 12f.

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

13. **RECONSIDERATIONS AND CALL-UPS**

None.

14. **GENERAL BUSINESS**

None.

15. **REPORTS**

- a. Report by the Mayor

Mayor Tauer echoed Council Member Sandstrom's congratulations to Grandview High School, and related the recent Toys for Tots Motorcycle Toy Drive which generated 3000 motorcycles that drove to Children's Hospital to deliver stuffed animals. He expressed his appreciation to all those involved in this wonderful event.

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b. Reports by the Council

Council Member Markert related the Planning Department was hosting two public meetings on the Nine Mile Planning area on Wednesday, December 12 and Thursday, December 13 from 6:00 p.m. to 8:30 p.m. at the Key Bank located at Peoria and Cornell.

Council Member Pierce invited all those interested to attend the Aurora Fox production of "A Christmas Carol" playing now through December 23rd. He expressed congratulations to the recent Fire Department Academy graduates.

Council Member Hogan announced the appointment of Jeanine Little to the Visitor's Promotion Advisory Board.

Council Member Sandstrom congratulated Grandview High School Football and Pom Teams for bringing two more State Championships to Aurora.

Council Member Wallace reminded citizens of their snow removal responsibilities and suggested helping out elderly neighbors with their removal as well.

Council Member Beer invited all those interested to his Ward III Town Meeting, scheduled for Tuesday, December 18, 2007. The featured speaker would be Commander Wayne McGee who would provide an update on Buckley.

16. **PUBLIC INVITED TO BE HEARD**

None.

17. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 9:32 p.m.

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EDWARD J. TAUER, Mayor

ATTEST:

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DEBRA JOHNSON, City Clerk

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