

MINUTES

Regular Meeting – Aurora City Council Monday, January 28, 2008

1. **CONVENE REGULAR MEETING OF JANUARY 28, 2008 AND CALL TO ORDER**

Mayor Tauer convened the regular meeting of City Council at 7:34 p.m.

2. **ROLL CALL**

PRESIDING:	Mayor Tauer
COUNCIL MEMBERS PRESENT:	Beer, Broom, FitzGerald, Frazier, Markert, Peterson, Pierce, Sandstrom, Wallace
COUNCIL MEMBER ABSENT:	Hogan
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 JANUARY 7, 2008**

Motion by Peterson, second by Fitzgerald, to approve the minutes of January 7, 2008 as presented.

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

6. **CEREMONY**

Mayor Tauer invited Pastor Curtis Dean and Human Relations Commission Chair Peter Cukale to come forward to accept the proclamation. Mayor Tauer read the proclamation declaring February as Black History Month. Each guest expressed appreciation for the proclamation.

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

Eileen Bond, Aurora, CO, expressed dissatisfaction with the current City trash policy. She noted that in a neighborhood of duplexes, which means twice as many trash cans with more than one pick-up date, the unintended consequences have been an appearance of slum living. She asked Council if they had considered contracting with one trash company. Mayor Tauer and Council Member Beer responded by noting the previous and current history regarding the issue, then adding that it was a concern that is expected to be reassessed at an upcoming Code Enforcement Committee meeting. Mayor and Council members gave some additional suggestions and added that they are always open for continued discussion.

Jose L. Garcia, Aurora, CO, a representative for a Traffic Safety Committee, asked Council for some suggestions and financial support regarding a need to install more traffic signs near schools throughout the City. Council Member Markert suggested contacting the City's Traffic Department and have their needs included in a study being conduct on school safety issues throughout the city.

Silvia Marquez, Aurora, CO, spoke to Council regarding a need for traffic signage near Peoria Elementary. Ms. Marquez brought her daughter, a student at Peoria Elementary, who gave a personal account of the dangers present at the Peoria and Delmar intersection. Council Member Wallace responded by noting her recent meetings with parents regarding the intersections around the various schools. She explained that the needs addressed tonight will be addressed

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through the Public Safety Committee. Council Member Frazier thanked the residents for their commitment and reminded them to continue to identify the needs as well as the costs, so that Council can act diligently.

Zach Fedor, Centennial, CO, a student at Grandview High School, spoke to Council regarding his work with the Youth/Adult Summit Program. He first thanked Council for their generous donation of \$1,500 and stated that the City's logo would be advertised on all Program related materials. He then went on to explain the Summit's goals of promoting developmental assets. The Summit is currently comprised of Aurora, Centennial, Cherry Hills Village, Greenwood Village, and Glendale; all of which work together in order to encourage academic success and provide a positive environment for the local youth. The Summit has an upcoming event, the 9th Annual Cherry Creek School District Youth/Adult Summit, on Saturday March 8th at Grandview High School with Sean Swarner as the featured speaker. He added that both a breakfast and lunch will be provided and any additional information can be found at www.assetsconnect.org.

Mayor Tauer recognized Boy Scout Troop #749 sponsored by Holy Love Lutheran Church.

City Manager Miller recognized the City's new Deputy City Manager Michelle Wolfe.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

General Business

- a. Consideration to AWARD COMPETITIVELY BID CONTRACTS to select vendors in the combined total amount not to exceed \$1,600,000.00 to cover the cost of desktop computers, servers and printers as required through December 2008.
- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Sungard HTE, Inc., Lake Mary, Florida in the not-to-exceed amount of \$82,350.00 for annual software maintenance for the Aurora Water Billing System for 2008.

Motion by Broom, second by Peterson, to approve items 9a and 9c.

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

- b. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Richard P. Arber and Associates, Lakewood, Colorado in the not-to-exceed amount of \$170,264.00 for additional professional design engineering services associated with the Kings Pointe Wastewater Services project, RFP R-1253.

Council Member Frazier asked why they were asking for additional money for design services. Larry Catalano, Manager, Capital Projects, noted that given the location, various engineering services were needed to keep the project moving forward. These additional costs were not expected, but the effort will ultimately reduce the production costs by cooperating with other district entities and sharing facilities.

Council Member Beer asked why this contract was not included within the Master Engineering Service Agreement. Mr. Catalano stated that the original contract was larger.

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Motion by Frazier, second by Beer, to approve item 9b.

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

- d. Consideration to AMEND A SINGLE SOURCE CONTRACT to National Water Company, Denver, Colorado in the not-to-exceed amount of \$120,000.00 to extend for an additional year the professional water rights acquisition consulting services contract associated with the Lower South Platte.

Mark Pifher, Deputy Director, Aurora Water, gave a brief overview of the contract. He noted that the intention of the contract was to have a cost effective way to bring additional water rights from the South Platte River to Aurora.

Council Member Markert stated that although the contract was needed and sensitive, she could not support the appropriation of basically \$10,000/month to a single individual.

Motion by Pierce, second by Wallace, to approve item 9d.

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

Voting No: Beer, Markert

Final Ordinances

- ◆ e. Consideration of an ORDINANCE FOR FINAL rezoning land generally located on the southeast corner of Mississippi Avenue and South Havana Street, City of Aurora, County of Arapahoe, State of Colorado, from B-1 (Retail Business District) to P-D (Planned Development District) and amending the Aurora Zoning Map accordingly (Miller Weingarten/The Gardens on Havana), 63 acres more or less.

Council Member Peterson stated that she would not support the ordinance due to the displaced impact of traffic on 6th Avenue.

Motion by Sandstrom, second by Markert, to approve item 9e.

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

Voting No: Peterson

- ◆ f. Consideration of an ORDINANCE FOR FINAL approving a General Development Plan for The Gardens on Havana, regarding a parcel of land generally located on the southeast corner of Mississippi Avenue and South Havana Street, City of Aurora, County of Arapahoe, State of Colorado (Miller Weingarten), 63 acres.

Council Member Sandstrom thanked staff and the developer for keeping a commitment of hauling debris from the demolition out of the City avoiding Hampden Road as requested. The developer attached a letter stating they would utilize Mississippi, I-225 and I-70 to haul the debris to the landfill.

Council Member Beer also complimented the developer for their plan to minimize disruption to residential areas.

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Motion by Markert, second by Sandstrom, to approve item 9f.

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

Voting No: Peterson

10. **RESOLUTIONS**

- ◆ a. 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 Iliff-Florida Station.

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

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending certain sections in Chapter 22 of the City Code of the City of Aurora, Colorado regarding administrative fees.

Council Member Beer noted his concerns with the City's method of indexing Administrative fees. He stated that the current indexing method was based solely on cost-increases within the government sector versus simply general cost increases like the consumer price index.

Scott Berg, Chief Building Official, noted that this project was undertaken in order to update and modify the current fees. He added that the indexing was set by the budgeting office.

Council Member Fitzgerald stated that given the current state of the economy, higher fees may not be the answer at this point in time.

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

Voting Aye: Broom, Frazier, Markert, Peterson, Pierce, Sandstrom, Wallace

Voting No: Beer, Fitzgerald

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION adopting a revised General Aviation Compatible Use Zone Map for Centennial Airport and Amending the Boundaries and definition of the General Aviation Use Zone, as established in Section 813 of Chapter 146, to conform to the revised map.

Karen Hancock, Airport Noise Coordinator, gave a brief summary of the ordinance. She noted that the noise contour map had not been updated for roughly ten years.

Motion by Wallace, second by Peterson, to introduce item 11b.

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

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- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Articles 9, 10 and 20 of Chapter 146 of the City Code of the City of Aurora, Colorado, relating to establishing Sustainable Use Neighborhoods in the E-470 and Northeast Plains Zone Districts.

Council Member Peterson stated that she would be voting no based on the 50-foot space allotment.

Matt Shawaker, 1701 Market Street, Denver, CO, 80202, spoke on behalf of the developer, noting their support of this item.

Council Member Broom noted that the backup stated that a 100-foot building may be built within 100 feet of a single family lot. He then asked staff how many stories existed in a 100-foot building. Mindy Parnes, Planning, stated most likely eight to nine stories. She also added that buildings at less than 100 feet from a single family lot can be 35 feet high.

Council Member Fitzgerald spoke to the audience, specifically the youth, noting the ordinance's focus is to yield efficient use of water and energy in order to create a "sustainable" neighborhood.

Motion by Beer, second by Wallace, to introduce item 11c.

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

Voting No: Broom, Peterson

- ◆ d. Consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, acting by and through its Golf Enterprise, authorizing the execution and delivery of a Lease-Purchase Agreement with Yamaha Motor Corporation, U.S.A., for the purpose of acquiring golf cars for the City's several golf courses.

Council Member Beer stated that he had heard rounds of golf had been declining in recent years and wondered how this would affect the replacement schedule of the golf carts.

Dennis Lyon, Manager, Golf, stated that rounds of golf have leveled off in the past five years and his department analyzes the golf cart fleet each year in order to determine repairs and replacements. He stated that the new carts are used more frequently with the older carts used less frequently. Ultimately, the older carts would be traded in for new ones.

Council Member Beer asked staff if the costs associated with the cart replacement takes into account the trade-in value of the older carts. Mr. Lyon noted that the maximization of the carts is not only utilized through trade in, but numerous carts are employed well after they are pulled from traditional golf course use.

Council Member Wallace asked if Fitzsimmons was also getting new carts. Mr. Lyon stated that they received 25 new carts last year alone.

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

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

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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).

Michael Smyth, Planning, gave a brief introduction regarding the contextual site plan. He stated that staff recommended approval.

Charles Richardson, City Attorney, commented on an agreement between the developer and the neighborhood community, noting that the City is not a party to the agreement and thus not responsible for any obligations therein.

Lisa Perman, 8310 South Valley Highway, Englewood, CO, 80112, 720-873-9727, came before Council representing the developer, Beazer Homes. She thanked the community for their work in making the project a better one. She noted the updated site plan with several "enhanced lots," as agreed to by the homeowner association (HOA). These newly defined lots granted roughly 20 feet more space and a greater setback, but reduced the amount of total lots by four. Various other agreements were made, such as several higher elevation homes and 18" minimum masonry columns. The developers even agreed to install the front and rear landscaping, as well as stain the three-rail perimeter fence a natural color. She then noted several other small details agreed upon by the developers and homeowner association.

Mayor Tauer told Ms. Perman that the various agreements were additions to the site plan and thus would be part of the record and part of the voted on proposal.

Charles Richardson, City Attorney, noted his hesitation to endorse the site plan if it included the additional commitments made outside of the original plan.

Michael Smyth added that Planning Staff sees the additional agreed upon items between the developer and HOA as a civil agreement.

Mr. Richardson told Ms. Perman that by adding the additional commitments on the contextual site plan, the developer becomes legally accountable and thus potentially a Code violator. He then added that the power still rests with the residents of the community, noting that if they feel the developer violates the agreement they can or cannot report the grievance to City Council.

Council Member Pierce asked if the agreement was to be recorded and if the developer chose not to build, would a successor be bound by the same proposed agreement terms. Mr. Richardson stated that there would not be automatic succession. Staff and Council would have the future developer comment upon the original agreement and go from there. As for recording with the County, this agreement is merely aesthetic.

Council Member Beer asked when the developer plans to have the first home at this site offered for sale. Ms. Perman noted that if market conditions pick up as hoped, they anticipate an early summer 2009 opening.

Council Member Frazier asked why the developer could not include the additional commitments on the site plan if they had knowingly agreed to accept accountability. Mr. Richardson gave his concerns of the HOA's resources and their ability to hold the developer accountable. He stated that he would anticipate the community to eventually call upon the City to enforce site plan violations. Council Member Frazier was unclear why that was such an apprehension, considering

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the City is routinely called upon to check up on site plans. Mr. Richardson noted the seriousness of additional comments, as site plans are approved based on City Code guidelines and staff direction. Any additional notes may not be matters that the City would normally try to enforce and or impose. Mr. Richardson also noted that Council did not even have the chance to review the agreement.

Council Member Beer expressed his feelings that the additional notes that were based on compromises between the developers and communities were good things and the City should support such actions as well as use their resources to ensure promises are kept.

Frank Massey, 24002, East Jamison Drive, Aurora, CO, 80016, 303-261-6895, came before Council as the President of the Eagle Bend Homeowner Association. He thanked Council Member Frazier for his guidance. He then noted that the community looks at the agreement as a civil matter and added that the community has the resources to enforce the agreement, if needed. He concluded by thanking Council Member Hogan for his support and Ms. Marsha Osborn for her organizational skills.

Council Member Frazier thanked the developer and the community for their work together to improve the City.

Motion by Broom, second by Frazier, to approve item 12a.

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

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, vacating a portion of Kenton Way between East Arizona Place and East Arkansas Avenue, City of Aurora, County of Arapahoe, State of Colorado (The Gardens on Havana)

Council Member Sandstrom asked if the Kenton Way traffic was anticipated to shift over to Joliet Street.

Michael Smyth, Planning, stated that staff anticipates a shift to Joliet Street, but feels the anticipated capacity will be acceptable.

Council Member Sandstrom asked if there would be a stop light at Joliet and Mississippi or would it stay at Kenton and Mississippi. She noted that there were high levels of pedestrian traffic at Kenton Way due to bike paths and residential zoning.

Mr. Smyth noted that the circulation pattern would stay in tact, meaning that the stop lights would remain at Kenton Way and Mississippi unless another one was warranted at Joliet. Council Member Sandstrom noted her concerns with the inevitability of another stop light due to traffic patterns, which will ultimately cause a slowing of through traffic.

Council Member Markert stated that the re-designed traffic flow should be able to accommodate the expected change in use.

Council Member Beer stated his concerns with traffic patterns of travelers moving south if the stop lights were to be changed and then asked staff how they hoped to alleviate potential anxieties. Mr. Smyth stated that traffic lights are easier to add than remove, noting the traffic light currently posted at Kenton Way and Mississippi will remain in use, especially due to the bike path/trail.

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

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

13. **ANNEXATIONS**

- a. Consideration of an ANNEXATION AGREEMENT between the City of Aurora and PCCP CS Alberta CornerStar Colorado, LLC, regarding a parcel of land located in the northeast quarter of Section 30, and the northwest quarter of Section 29, Township 5 South, Range 66 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado (PCCP CS Alberta CornerStar Colorado, LLC), 4.395 acres.

Council Member Broom asked if the construction was for a detention pond, meaning it would not generate any additional traffic or have any buildings on it.

Scott VanGenderen, Development Services, noted that was correct.

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

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

- ◆ b. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, annexing certain lands located in the northwest quarter of Section 29, and in the northeast quarter of Section 30, Township 5 South, Range 66 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado (PCCP CS Alberta CornerStar Colorado, LLC), 4.395 acres.

Motion by Broom, second by Pierce, to approve item 13b.

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

- ◆ c. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, initially zoning a parcel of land generally located at the southwest corner of Arapahoe Road and Parker Road to PD (Planned Development), and amending the Aurora Zoning Map accordingly (CornerStar Tree Farm Property), 4.40 acres more or less.

Motion by Broom, second by Pierce, to approve item 13c.

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

- ◆ d. Consideration of an ORDINANCE FOR FINAL approving an amendment to the CornerStar General Development Plan, regarding a parcel of land generally located on the southwest corner of Arapahoe Road and Parker Road, City of Aurora, County of Arapahoe, State of Colorado (CornerStar Tree Farm), 4.4 acres more or less.

Motion by Broom, second by Pierce, to approve item 13d.

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

14. **RECONSIDERATIONS AND CALL-UPS**

None.

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15. **GENERAL BUSINESS**

- a. Consideration to reappoint one incumbent member to a three-year term on the Board of Adjustment and Appeals.

Motion by Markert, second by Fitzgerald, to reappoint Robert McNealy to the Board of Adjustment and Appeals.

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

- b. Consideration to appoint one new member to a three-year term on the Aurora Commission for Seniors.

Motion by Markert, second by Fitzgerald, to appoint Karen Spence to the Aurora Commission for Seniors.

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

16. **REPORTS**

- a. Report by the Mayor

Mayor Tauer spoke to the men of the City and the importance of Valentine's Day.

- b. Reports by the Council

Council Member Peterson appointed Norma Arthur to the Adams County Open Space Board. She then invited all Ward II residents to her Town Meeting on Monday February 4th in the Aurora Room, 7:00 to 9:00 pm.

Council Member Fitzgerald thanked Deputy City Manager Frank Ragan for his great work and then wished him luck in his new career in Texas.

Council Member Markert reminded residents that the new Library and Recreation Leisure Guide had recently been mailed out to all residents and can be picked up at all Libraries and City buildings. She noted that the Active Adult Program offered a total of 485 classes with 4,056 enrollments and 13,708 program users. She also referenced a Small Business resource publication called "Business Navigator." The Business Development Center is available to aid any and all start-up businesses. It is located at 9801 East Colfax in Aurora.

Council Member Pierce stated that the Aurora Animal Shelter would be holding a pet license and vaccination clinic on Saturday February 16th from 9:00 am to 1:00 pm at 15750 East 32nd Avenue. More information regarding the clinic can be found at the City Website <http://www.auroragov.org>, as well as additional coupons.

Council Member Frazier noted his attendance at the MLK Rodeo, Western Stock Show and his son rode in the mutten race. The winner of the mutten race was granted an opportunity to kiss the Queen of the Rodeo.

Council Member Broom invited all Ward VI residents to his Town Meeting on Tuesday February 12th in the Mission Viejo Library with topics of water rates and traffic signal timing. He also reminded residents that the Caucuses were scheduled for February 5th and all voters should prepare to attend.

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Council Member Sandstrom appointed Corrine Lende to the Aurora Youth Commission.

Council Member Wallace appointed Marsha Berzins to the Citizens Advisory Budget Committee. She followed by stating that the East End Art District was a wonderful place to purchase Valentine's Day gifts and support the local businesses. She also noted her attendance at Montview Elementary where she participated in the "Leaders Are Readers" program. She concluded noting the importance of school zone driving safety and adherence to speed limits.

Ron Miller, City Manager and Mayor Tauer thanked Deputy City Manager Frank Ragan for his great work with the City and wished him well in his new career.

Council Member Markert added some words of gratitude on behalf of Council and City Staff to the celebration of the life and spirit of Lisa Strawn.

17. **PUBLIC INVITED TO BE HEARD**

None.

18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 9:14 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

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