

## MINUTES

### **Regular Meeting – Aurora City Council Monday, July 24, 2006**

1. **CONVENE REGULAR MEETING OF JULY 24, 2006 AND CALL TO ORDER**

Mayor Tauer convened 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. **INVOCATION**

Pastor Craig Peterson, Mountain View Community Church, led all present in prayer.

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF JULY 10, 2006**

Motion by Markert, second by Pierce, to approve the minutes of July 10, 2006 as presented.

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

Abstained: Frazier

6. **CEREMONY**

- a. Proclamation declaring the Taste of Aurora's Finest Restaurant Tour - Mayor Edward J. Tauer

Mayor Tauer invited Veronica White, Chair, Human Relations Commission, to come forward to accept the proclamation. Mayor Tauer read the proclamation recognizing Taste of Aurora's Finest Restaurant Tour. The following winners were announced and presented awards:

Excellence Award for Atmosphere – Kasbah Kitchen  
Excellence Award for Food Presentation – The Nile  
Excellence Award for Locale – Thai Bamboo Café  
Excellence Award for Quality of Food – Old Chicago  
Excellence Award for Service – America's Bar & Grill  
Excellence Award for Overall Favorite – Country Buffet

A special thank you was extended to Laidlaw for providing the transportation to the restaurants.

- b. Swearing in of one newly appointed Assistant City Attorney - Associate Judge Alan Stine

Charles Richardson, City Attorney, introduced Ms. Angela Garcia, and noted her background. Associate Judge Alan Stine administered the oath of office. Mayor Tauer and City Council congratulated Ms. Garcia and thanked her for her service to Aurora.

Mayor Tauer recognized Boy Scout Troop #644, sponsored by Mt. Olive Lutheran Church.

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

Pat Tudor, 1724 Clinton Street, Aurora, CO 80010, 720-201-5551, stated she is the Secretary of the North Aurora Neighborhood Organization (NANO). She wanted to acknowledge a special Code Enforcement employee who went above and beyond the call of duty at NANO's Spring Clean-off, by cleaning up the home of a 90-year old resident in order to prevent the owner from getting code violations. On behalf of NANO, she wanted to thank Nancy Sheffield, Director, Neighborhood Services, for her fine Code Enforcement employees.

Gary Kushner, 15942 East Exposition Drive, Aurora, CO 80017, 303-696-1682, stated on April 2, 2001, Council approved the Tollgate Village General Development Plan with two conditions, a perimeter fence being replaced, which has been done, and an escrow account of \$7,500 to add recreational amenities. His main issue is the participation of Dominic Lewsinski in the construction process. A letter from the City Attorney's office clearly stated Mr. Lewsinski is not to be involved in this project. Mr. Kushner asked if the escrow account was ever set up, and if Mr. Lewsinski is still involved with the project, and what action can be taken if he is.

Council Member Beer thanked Mr. Kushner for coming forward, and will get back to him this week. Mayor Tauer stated the City Attorney will also contact Mr. Kushner with information.

Bernard Rogoff, 2518 South Dawson Way, Aurora, CO 80014, 303-337-3399, is the Executive Director of the National Guard Association of Colorado. He asked about the status of discussion regarding light pollution, and asked what committee is reviewing this issue. Council Member Hogan stated the Planning, Economic Development & Redevelopment Policy Committee recommended this issue go forward to a Study Session within six to eight weeks. Mayor Tauer stated the City Clerk and City Manager offices will notify Mr. Rogoff on what has already been done on light pollution.

Mr. Rogoff then drew Council's attention to an article from the Aurora Sentinel regarding the Murphy Creek development abutting Buckley Air Force Base. He stated this development would create a serious problem to the flight plans of the fighter jets. He stated Buckley has a very defined mission that should not be interfered with. Mayor Tauer stated that newspaper articles are not always correct, and the City is constantly meeting with Buckley officials on issues of mutual concern. The City of Aurora greatly values Buckley Air Force Base.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-9g**

**General Business**

- a. Consideration to APPROVE AN AGREEMENT between the City of Aurora and Local 1290 of the International Association of Fire Fighters.
- b. Consideration to APPROVE AN AGREEMENT between the City of Aurora and the Aurora Police Association.
- d. Consideration to EXTEND A COMPETITIVELY BID AWARD 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 2007.

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- e. Consideration to AWARD COMPETITIVELY BID CONTRACTS to select vendors in the combined total amount of \$1,100,000.00 to cover the cost of desktop computers, servers and printers as required through June 2007.
- f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Brannan Sand & Gravel Co., Denver, Colorado in the not-to-exceed amount of \$550,000.00 to cover the cost of asphalt mixes as required through December 31, 2006 (Bid #B-3754).

Council Member FitzGerald extended appreciation for all of the good work done on items 9a and 9b, and for all of the parties working together on the agreements.

Motion by Markert, second by Broom, to approve items 9a, b, d, e, f.

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

- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Meridian Medical Technologies, Columbia, Maryland in the amount of \$100,991.80 to cover the cost of nerve agent automatic self-injectors (syringes).

Council Member Market stated this issue falls under the jurisdiction of Homeland Security. She asked what the shelf-life is of the syringes, and what the timeline would be for replacement. Casey Jones, Chief, Aurora Fire Department, stated the current supply is ready to expire, and these are replacement syringes. He is unaware of what the shelf-life is, but noted these are being purchased with grant funds.

Motion by Frazier, second by Broom, to approve item 9c.

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

- g. Consideration to APPROVE THE RECOMMENDATION to commission Lawrence Argent to complete the proposed artwork to be located on East Colfax Avenue median between Emporia and Elmira Streets.

Council Member Markert stated since this is a public art project, she asked for some background information on the funding of the project. Deana Miller, Public Art Coordinator, stated the funding is being split by the Urban Renewal Grant received by the Federal government and The Art in Public Places program, with each group contributing \$47,000.

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

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

Voting No: Peterson

## 10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION approving the Intergovernmental Agreement between the City of Aurora, Colorado, and the County of Arapahoe, Colorado, for a Coordinated Election.
- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

Council Member Beer asked if the Intergovernmental Agreements (IGA) for both Arapahoe and Adams Counties are a boiler plate form sent to all cities, and if there were any negotiated changes. Debra Johnson, City Clerk, stated the IGAs are being submitted as presented, but the process to create the documents involved collaboration by the Municipal Clerks and other jurisdictions in each County who are participating in the election.

Council Member Frazier noted the disparity between the voting methods of the Counties at the last election, Arapahoe County using mail ballots, and Adams County having vote centers. He asked if the differences in this year's election will be precinct voting in Arapahoe County and vote centers in Adams County. Ms. Johnson stated that is correct.

Motion by Beer, 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 approving the Intergovernmental Agreement between the City of Aurora, Colorado, and the County of Adams, Colorado, for a Coordinated Election.

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

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

- ◆ c. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, amending Resolution No. 2004-98 to increase construction costs of an approved Intergovernmental Agreement between the City of Aurora, Colorado, and the Colorado Department of Transportation for expanded construction to accommodate the Northwest-bound double left turn lane of the Parker-Dartmouth intersection.

Council Member Broom asked how long this project will take to complete, as the triple turn lane at Parker and Quincy took about one year. Ron Degenhart, City Engineer, stated the City does not have the contract with the Colorado Department of Transportation yet, but the expected timeframe is approximately 180 days. The project at Parker and Quincy was a much more extensive project.

Motion by Markert, second by Sandstrom, to approve item 10c.

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

- ◆ d. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the delegation to the City and County of Denver, Colorado of the City's authority 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 the City; approving such bonds and such Single Family Mortgage Loan Program; and authorizing the execution and delivery of a Delegation and Participation Agreement and other documents in connection therewith.

Council Member Frazier asked staff for a brief explanation of this item. Nancy Sheffield, Director, Neighborhood Services, stated Aurora has been asked to participate in the Metro Mayor's Caucus to assist homebuyers in the metro area with down payment assistance and lower than market rate interest loans. This is coming from the use of Private Activity Bonds that are of no cost to any of the cities participating, but will benefit first-time homebuyers in the City.

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Motion by Peterson, second by FitzGerald, to approve item 10d, with a Waiver of Reconsideration.

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

- ◆ e. Consideration to APPROVE A RESOLUTION approving the Intergovernmental Agreement between the City of Aurora, Colorado, and the Regional Transportation District regarding funding assistance for the development of a station area planning study for the Nine Mile Station at I-225 and Parker Road.

Council Member Broom asked if the study will determine if there is enough parking in the garage. Loretta Daniel, Principal Planner, Planning, stated the Regional Transportation District (RTD) is providing the parking structure, but the study will allow for additional parking approximately one-half mile around the station.

Motion by Sandstrom, second by Wallace, to approve item 10e.

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

- ◆ f. Consideration to APPROVE A RESOLUTION approving an Intergovernmental Agreement between the City of Aurora, Colorado, Arapahoe County Water and Wastewater Authority, and Foxfield Metropolitan District No. 1 for water and sanitary sewer service for the Foxfield District service area.

Motion by Pierce, second by Markert, to approve item 10f.

Voting Aye: Beer, Broom, FitzGerald, Frazier, 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 - 11L concerning the approval of various new and amended special district service plans and authorizing the execution of various new and amended Intergovernmental Agreements between the City and said special districts.

- ◆ a. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plans for Abilene Station Metropolitan District Nos. 1 and 2 and authorizing the execution of an Intergovernmental Agreements between the City and the Districts.
- ◆ b. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for Cherry Hills City Metropolitan District and authorizing the execution of an Intergovernmental Agreement between the City and the District.
- ◆ c. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the amended and restated Service Plans for Eastern Hills Metropolitan District Nos. 1-8 and authorizing the execution of amended and restated Intergovernmental Agreements between the City and the Districts.
- ◆ d. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plans for Eastern Hills Metropolitan District Nos. 9-20 and

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authorizing the execution of Intergovernmental Agreements between the City and the Districts.

- ◆ e. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for Forest Trace Metropolitan District Nos. 1-3 and authorizing the execution of an Intergovernmental Agreement between the City and the Districts.
- ◆ f. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for Murphy Creek North Metropolitan District Nos. 1-3 and authorizing the execution of an Intergovernmental Agreement between the City and the Districts.
- ◆ g. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for the Avenues Metropolitan District Nos. 1-5 and authorizing the execution of an Intergovernmental Agreement between the City and the Districts.
- ◆ h. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plans for Tollgate Creek Commons Metropolitan District Nos. 1 and 2 and authorizing the execution of Intergovernmental Agreements between the City and the Districts.
- ◆ i. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plans for Transport Metropolitan District Nos. 1-15 and authorizing the execution of Intergovernmental Agreements between the City and the Districts.
- ◆ j. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plans for Villages at Murphy Creek Metropolitan District Nos. 1 and 2 and authorizing the execution of Intergovernmental Agreements between the City and the Districts.
- ◆ k. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the amended and restated Service Plan for WH Metropolitan District No. 1 and authorizing the execution of an amended and restated Intergovernmental Agreement between the City and the District.
- ◆ l. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, approving the amended and restated Service Plan for Heather Ridge Metropolitan District Nos. 1-3 and authorizing the execution of an amended and restated Intergovernmental Agreement between the City and the Districts.

Nancy Bailey, Manager of Development Assistance, gave a brief introduction of items 11a-l, which are Resolutions related to a series of metropolitan districts to be formed under State Statute. These metro districts relate to 11 development projects in the City, and are considered in relation to election cycles. A metro district is a form of local government, formed to finance and construct public infrastructure that will benefit the residents and taxpayers of the district. The City has a model service plan, which all districts are requested to be in compliance with. All of the proposed districts coming before Council tonight are in compliance and staff recommends approval. Letters have been received from three residents in the proposed Heather Ridge Metro District requesting exclusion from the district. The City Attorney's office provided a memo in the backup explaining the exclusion process. Ms. Bailey introduced Joe Lico, 1805 Shea Center Drive, #100, Highlands Ranch, CO 80129, 303-858-1800, from White Bear & Ankele, legal counsel for many of the districts, including Heather Ridge, who is present to answer any questions.

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Council Member Beer stated item 11f is related to Murphy Creek North, and he asked about the relationship and timing with the proposed future rezoning of that area. Ms. Bailey stated the Metro District is separate from the land use approval, but that debt cannot be issued until the development plan is approved. Each service plan includes reference to the Aurora Regional Infrastructure Mill Levy, noting that the numbers will be different between a residentially developed metro district and a commercially developed metro district. The proponents of the Murphy Creek district are representing this as a residential district. If the rezone is not approved, they may want to come back to amend their service plan.

Council Member Peterson asked if it might be a good idea to table the Murphy Creek item. Charles Richardson, City Attorney, stated Council retains full authority with regard to the rezone, but these items are under a tight time frame and he is hesitant to defer at this time.

Errol Rowland, 2677 South Xanadu Way, Aurora, CO 80014, 303-337-3458, representing the Heather Ridge Special District, was present to answer questions.

Council Member Pierce asked what the arguments for or against exclusion would include. Mr. Lico stated the Statute has a set procedure for the Board of County Commissioners on what they must follow in regards to excluding a homeowner, but Municipalities do not have a procedure. It is not in the best interest of the district to have exempt parcels due to legal descriptions, services provided and fees. The proposed district does not want to own the golf course, but forming the district will give them a voice to provide more options. Mr. Lico asked that the resolution be approved without any exclusions.

Motion by Broom, second by Markert, to introduce items 11a-l.

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

## 12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, appropriating sums of money in addition to those appropriated in Ordinance Nos. 2005-80, 2006-02, 2006-17 and 2006-27 for the 2006 fiscal year.

### ***MAIN MOTION – Item 12a***

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

Council Member Beer stated he is in support of the ordinance, but has a question regarding the transfer of \$1.5 million to the Economic Development fund and would like staff to describe what that item is and how it would be administered. Greg Hays, Financial Program Supervisor, stated the addition of that provision was a request by Council.

Mayor Tauer explained that in 2005, there was some unexpected one-time revenues from construction in the City, which Council chose to use to fund future Economic Development projects. Before any of the money can be spent, it must be specifically approved in a public meeting of the City Council.

### ***AMENDMENT #1***

- ◆ ***The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.***

Motion by FitzGerald, second by Hogan, to add a new sub-section, 1r - from unappropriated fund balance and/or additional revenues in the General Fund, the net amount of \$150,000 for support of personnel costs in the City Attorney's office.

Council Member FitzGerald stated the City Attorney's office lost seven prosecutors last year due to low pay. Many new attorneys have large school debts, and the City Attorney's office cannot get and keep people at the rates we pay. This will assist in slowing the turnover.

Council Member Broom asked if additional funds are being requested in the 2007 budget for the City Attorney's office. Charles Richardson, City Attorney, stated additional funds are being requested next year to retain current prosecutors, but emergency funds are needed right now.

PASSED: 10-0

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

**VOTE ON MAIN MOTION (12a) AS AMENDED**

PASSED: 10-0

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

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, authorizing the use of lease-purchase financing to acquire new analytical instruments for the Aurora Police Department Crime Lab.

Council Member Peterson asked why we are leasing rather than purchasing the equipment outright, and what the difference of savings is from one to the other. Lt. Tim DuFour, Aurora Police Department Crime Laboratory, stated the equipment has currently been under an operating lease for the last five years, and the lease is up. The 2006 budget was set up to continue the lease for another five years. According to Purchasing and Finance, using a lease/purchase option costs less than a straight operating lease. The Police Department does not have the funds to purchase the equipment outright, which would cost approximately \$207,000. The cost over a five-year lease/purchase is approximately \$229,000.

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

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

- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION submitting to a vote of the registered electors of the City of Aurora, Colorado, at the Special Municipal Election of November 7, 2006, an amendment to certain provisions of Sections 3-14, 3-15, 3-16, and 3-17 of the City Charter concerning a transfer of all provisions relating to recruiting and hiring fire and police uniformed personnel except establishing the minimum qualifications from the Civil Service Commission to the City's Human Resources Department in cooperation with the respective Fire and Police Departments.
- ◆ d. Consideration of an ORDINANCE FOR INTRODUCTION submitting to a vote of the registered electors of the City of Aurora, Colorado, at the Special Municipal Election of November 7, 2006, an amendment to certain provisions of Sections 3-16 and 3-17 of the
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City Charter concerning a modification to the Civil Service Commission's process for promotions of fire and police uniformed personnel.

- ◆ e. Consideration of an ORDINANCE FOR INTRODUCTION submitting to a vote of the registered electors of the City of Aurora, Colorado, at the Special Municipal Election of November 7, 2006, an amendment to certain provisions of Section 3-14 of the City Charter concerning the removal of the rank of Police Captain from the Civil Service.
- ◆ f. Consideration of an ORDINANCE FOR INTRODUCTION submitting to a vote of the registered electors of the City of Aurora, Colorado, at the Special Municipal Election of November 7, 2006, an amendment to certain provisions of Section 3-17 of the City Charter concerning City Council's authority to remove a member of the Civil Service Commission with or without cause and the reduction in term of service from six years to three years for Civil Service Commissioners and imposing term limits.
- ◆ g. Consideration of an ORDINANCE FOR INTRODUCTION submitting to a vote of the registered electors of the City of Aurora, Colorado, at the Special Municipal Election of November 7, 2006, an amendment to certain provisions of Section 3-16 of the City Charter which extends the probationary period following a promotion from six months to twelve months in order to allow a more adequate period of time for Fire and Police uniformed personnel to learn and exhibit new job skills.

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Mayor Tauer stated testimony will be taken together on items 12c-g, but Council action will be taken separately. These items are for consideration on the ballot at the November 7, 2006 General Election.

Frank Ragan, Deputy City Manager, Community Services Group, briefly summarized the proposals. Item 12c. (Proposal #1) will move the hiring responsibilities for Police and Fire personnel from the Civil Service to the Human Resources (HR) Department. The Civil Service would still retain the responsibility for setting minimum hiring standards. Item 12d. (Proposal #2) allows the Civil Service to retain the responsibility for the promotion process, but adopting a one-in-three rule which will allow the Chiefs the flexibility to select one of the top three scorers. Item 12e. (Proposal #3) moves Captains within the Police Department out of Civil Service. This applies only to Police, as Fire Battalion Chiefs have already been removed from Civil Service. Item 12f. (Proposal #4) is a modification to the Civil Service Commission, reducing the member's term from six years to three years, and limiting a member to three consecutive terms. This also mandates that the members serve at the will of the Council and can only be removed by a supermajority of eight votes. Ex-employees could continue to serve on the Commission. Item 12g. (Proposal #5) extends the probation period for Police and Fire from six to twelve months. All five proposals would require Charter changes and a vote of the people.

Daniel Oates, Chief, Aurora Police Department, stated there had been lots of discussion on these items with the Public Safety & Courts Policy Committee. While some people feel the Chief can make decisions too freely, he stated all recommendations will be highly scrutinized. He believes these changes provide for more accountability in hiring and promotions.

Casey Jones, Chief, Aurora Fire Department, stated Aurora has the best police and fire departments he has ever worked with, and these changes will make improvements to already good departments.

John Gay, 4189-A South Fraser Circle, Aurora, CO 80014, 303-692-8001, is the Co-Chair of the Key Community Response Team (KCRT), and is speaking on their behalf. The KCRT would like to see the removal of antiquated requirements for hiring the most talented candidates, and would

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like the rule of one removed, which the Chiefs say is the single most obstacle for hiring. It is unacceptable that the Chiefs have no capacity for input to hire the best candidate, as someone can be the top scorer, but not have the leadership skills needed for the job. The process needs to be updated to meet hiring needs.

Reverend Larry Brown, 952 Yosemite Circle, Denver, CO 720-338-1082, of the Lowry Community Christian Church, is representing the Aurora community of faith, who are unanimous in their support for the proposed changes. The Chiefs need the best personnel they can get. The City and residents ask the Chiefs to be successful, and the changes are needed in order for that to happen. The Civil Service Commission (CVC) was put in place for a purpose, but it has served that purpose. It is time to move Aurora forward to the next level.

State Representative Debbie Stafford, 18908 East Loyola Circle, Aurora, CO 80013, 720-220-2060, stated she supports moving the hiring process to Human Resources. She is proud of our law enforcement officers and firefighters. The CVC was formed in the 1960's when a need was present. With the advancements to laws and policies over the years, it is outdated and no longer needed. Diversity needs to be considered along with skills. Since the Chiefs are accountable to the citizens, there will be no abuse of power. She is committed to being a citizen activist to bring the issues to the citizens of Aurora. Good leadership has to make tough decisions.

Peter Cukale, 17855 East Tennessee Place, Aurora, CO 80017, 303-695-5524, is a member of the Human Relations Commission, a citizen and business owner in Aurora. He wants the best people hired to protect him and his business. The people are the issue, not test scores. Qualifications and experience are more important.

Veronica White, 13494 East Jewell, Aurora, CO 80012, 303-743-8001, is Chair of the Human Relations Commission (HRC). She stated the HRC is in support of all the proposals, and does feel it appropriate to reduce the terms of the CVC members, which forces more productivity and accountability. She stated the proposals need to go to a vote of the citizens.

Randy Rester, President of the Aurora Fire Fighters Local 1290, thanked the Mayor and Council for the opportunity to express their position on these items. He stated the testing process is much more extensive than people know. There are a series of written, oral and practical tests, which are ranked by score and weight, and do test a candidate's abilities in addition to cerebral skills. He gave a brief account of the firefighter's stand on the five proposals. For #5, extending probation, he stated new hires already have a one year probation. After some discussion at the Study Session, they will not oppose this if kept to newly hired or promoted individuals and not all employees. For #4, CVC terms, they believe more discussion and clarification is needed, some of which came during tonight's Study Session. They will not oppose this item if it is fully addressed in all areas. For #3, removal of rank of Captain, this is a police department issue, so they have no involvement. For #2, one-in-three rule, the current system in the fire department is working fine as it is. Having three candidates to choose from will destroy the moral in the department, if employees are skipped in the promotional process. Rumors will run rampant, and destroy the credibility of all involved. They will actively oppose this item as written. For #1, moving hiring to HR, many compromises were discussed with management, but have not been provided for consideration. Management stated extensive discussion was held. He only knows of two 90-minute meetings held on this item, which is not sufficient time to work out issues. They will actively oppose this item as written. They feel many more options are available with additional discussion. Haste to put these items on the November ballot will damage the system for all involved, and they ask Council to give the proper time and consideration for these items.

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Mayor Tauer stated an earlier discussion concluded that the fire department believes they have a clear process through the CVC, and the union feels these proposals are not as well specified as what they already have. Mr. Rester stated that is correct, and that more concrete ideas came forward at Study Session that they would like more time to review. Mayor Tauer asked if the hiring process issue was changed to reflect a collaborated process, the deadline extended for several months, and future changes to the hiring system enacted by ordinance from Council in a public hearing, would that help address some of the concerns of the Union. Mr. Rester stated that would help, but the main issue remains the need for more dialogue regarding the items.

Council Member FitzGerald stated his uncertainty of proposal #2. With most of the public comments so far being in support, he asked what the main objection is to the rule of three. As an example, three names of Appellate and Supreme Court judges are submitted to the Governor to choose from. Mr. Rester stated that this process is not used in elections or sports. The purpose is to strive for excellence. The moral will drop and rumors will fly the first time one person is chosen over another. If the department feels there was any bias in the selection, the reputation will be tainted for the person who was promoted, as well as the person who was skipped.

Bryan Butler, Vice-President of the Aurora Police Association (APA), also thanked the Mayor and Council for the opportunity to speak. While there was discussion by all of the parties involved, and there was not complete agreement to the full package, more compromises were reached than expected. These proposals will adversely affect the departments. Promotions are earned on merit, giving the new supervisor the ability and confidence to lead, while letting the subordinates know the supervisor earned his stripes through hard work, study and professionalism. The APA feels removing the hiring from the CVC will reduce the standards and produce a less-qualified police officer. The current process can be modified to streamline the hiring timeframe, and still stay within the CVC. An officer safety issue arises with incompetent officers, and all of these issues have far-reaching effects for the departments and the community. The APA recommends proposals #1, #2 and #3 be tabled in order to have time to properly evaluate them. They do not support the extension of probation for police officers, as most officers work 40+ hour weeks. If proper evaluations and supervision are provided, the current time is sufficient. If these issues go to the polls as written, both the APA and Fire Union are committed to fighting them. Both sides will lose, as the resulting conflict will erode public confidence in City government and the services provided. At Study Session, there was discussion regarding the removal of the promotion item, which the APA supports and would view as a show of appreciation by Council for the members. For #3, the APA would be willing to consider the point spread possibility for promotions, rather than removing Captains. He has not checked with the Captains yet. Regarding #1, Mr. Butler drew Council's attention to an editorial in the Aurora Sentinel, which stated many other police and fire departments have the same problems with recruitment of new officers. Pay and interest are factors for minority applicants, but the best candidates should get the job. The APA does not feel Charter changes are necessary, and likes the idea of management and labor getting together to work out the best process by ordinance. They encourage Council to continue to make compromises and modifications to the original proposals.

Regarding Council Member FitzGerald's earlier question to Mr. Rester, Mr. Butler stated the difference between the officers and judges or anyone else in regard to the rule of three is use of force. Police officers are authorized at any given time to make a snap judgment to take someone's life. They are trained and equipped to make that choice, and when a person's life hangs in the balance of a supervisor's decision, you want the best officer in charge.

Council Member Frazier asked Mr. Butler to elaborate on his earlier statement that proposal #2 as stands, will have a negative impact to the department and community. Mr. Butler stated the current system allows an officer to be the best, and not just because of a test. An assessment

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center and evaluation for discipline and awards are also part of the process. Officers know they were selected on merit, and not because of being a minority. Passing people over is viewed as a popularity contest, and bad moral affects officers performance.

Council Member FitzGerald asked which items the APA supports or opposes. Mr. Butler stated the APA recognizes Council's authority with respect to Boards and Commissions, so they would not contest #4 or #5, with the exception that Council should not remove any member of the CVC as retaliation to any disciplinary action taken or not taken against an officer. The other issues could be addressed with solutions under the CVC, and they would be willing to work with the Chief and others toward implementing them.

Council Member Beer stated many people in the community do not believe that the makeup of the department reflects the diversity of the community, and asked Mr. Butler what suggestions they have to improve that view. Mr. Butler stated the main problem is the budget for recruitment of new officers is very low in the metro area, so candidates are choosing other departments. Aggressive recruitment is needed to get qualified officers, regardless of what cultural diversities exist in the community.

Mayor Tauer clarified some points made by Mr. Butler. He also stated that changes by ordinance to these processes are not feasible, as the Charter trumps ordinances. He asked Mr. Butler if a provision to the Charter change requiring Administration and the Police and Fire organizations to work together for an extended period, giving Council a unified proposal with the flexibility that management is looking for, as well as the security and qualifications the organizations seek, and enacted by Council as an ordinance in a public setting, with future changes also made in a public setting, would be less objectionable than the proposals as presented. Mr. Butler stated that is an accurate statement, with the APA's primary preference to keep the hiring process under the CVC and implementing other changes there. Not removing the hiring process from the CVC would go a long way in defusing some of the fears of the membership.

Council Member Frazier stated the APA came to Council last year for support on the property tax increase for Public Safety issues, asking for it to go to a vote of the public, but they don't want these items to go to the November election. Mr. Butler stated the tax issue was needed to support a citizen required mandate of two officers per 1000 residents. A target amount is needed to fund that mandate. These issues are different, and without knowledge of the inner workings of the police and fire departments, it will be harder for the average citizen to understand the long-term effects these changes will make. Council Member Frazier stated the APA seems to see a difference between good questions and bad questions to ask the voters. Mr. Butler agreed yes.

Marc Colin, 1560 Broadway, #1099, Denver, CO 80202, 303-831-1099, is representing the APA. Civil Service systems are designed to address three primary goals: to ensure unbiased and impartial decision making in hiring, promotions and discipline; to promote the hiring and promotion of the most qualified candidates for a position; and to encourage open and frank discussion without fear of retaliation. The issue is not whether change is needed, but whether these proposals are the right kind of changes. The number one issue is recruitment, which is key to diversity, but is the responsibility of the police department, not the CVC. Instead of taking everything from the CVC, work with them to improve processes. Pay and benefits are important for recruiting the best candidates, and knowing that a good job performance and work ethic will be rewarded with promotions, is a good incentive.

Council Member FitzGerald asked if more money would exist for pay and recruitment if we didn't have the two per thousand ratio. Mr. Colin stated if the funds that were dedicated had been spent appropriately, the problem would not exist.

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Council Member Hogan stated a lateral program was instituted in the late 1980's in response to the fact that recruitment under the CVC was not working. Mr. Colin stated the lateral program was moved from the CVC into the control of the Police Chief's office in 1987. If this change was made to address a minority recruitment problem between 1975 and 1985 to recruit more lateral transfers, it hasn't worked, and they don't believe moving it from the CVC to Human Resources will work any better now. Council Member Hogan stated his belief that if no lateral program existed, we would be in worse shape than we are now. Mr. Colin agreed.

Council Member Wallace asked Mr. Colin which proposals they support or oppose. Mr. Colin agreed with Mr. Butler's assessment that they are okay with #4 and #5, have concerns to be addressed with #1 and #3, and will probably not agree on #2.

Pat Tudor, 1724 Clinton Street, Aurora, CO 80010, 720-201-5551, stated she is a former City employee. She is against proposal #1, as she was fired from the City and experienced threats, retaliation, false accusations, and had timecards altered. A co-worker, who also had time cards altered, was too afraid to testify, and HR would not help this employee. She doesn't want police and fire personnel to be exposed to that same kind of stress, and feels the HR department is not competent to hire and fire them. She stated HR and Career Services are not friends to police and fire employees.

Cathy Sanderson, 4018 South Sable Circle, Aurora, CO 80014, 303-693-7958, observed during the Study Session, that much contention and confusion still exist with these items, and there is more room for more discussion. She agrees with Council Member Peterson's suggestion to table the items in order to have more time to work on the disagreements, or it will affect moral which will affect the entire City. There is an obligation to listen to the employees, who are on the front lines in the City. She strongly encouraged Council to table all five proposals.

Don Black stated he has 35 years of experience in law enforcement. These items will be sent to an uninformed public. The behavior of man doesn't change in regard to law enforcement. The chiefs write the evaluations and give assignments in the promotion process. This process weeds out leaders, as bad assignments will be given to a candidate who is not a friend of the chief. He gave some examples of problems with bad chiefs and commanders. He doesn't feel someone like that should be making a choice for promotions. He invited anyone in City government to debate the issues in front of the public.

Martin Deffenbaugh is a Sergeant in the Aurora Police Department with 26 years of experience. He stated with regard to recruiting and hiring, we need to trust the competitive process rather than selecting from a pool of candidates. Better recruitment is needed to seek out candidates that will improve diversity in the department. A person's characteristics are not as important as their qualifications. He stated removing the rank of Captain will take away the competitive edge, and the chief will probably not choose someone that he will have battles with. These battles are extremely valuable for the growth and well-being of the department. Command staff did not support the Police Area Representative (PAR) program. The officers had to fight very hard for it, and it has turned out to be a great program for the City and citizens. There is a value to a long-term Civil Service employee, who has perspective and expertise over time. With regard to extending the probation period after a promotion, a good supervisor should not need the extra time to evaluate an employee that he or she promoted.

Council Member Hogan asked if Mr. Deffenbaugh feels the CVC has done a good job and the hiring process doesn't need moved, or if it is the only type of entity that should be allowed to hire officers. Mr. Deffenbaugh stated the CVC is an unbiased body who administers an objective

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standard process. He feels HR serves too closely to people with personal interests, and he would rather trust the CVC.

Brian Good is a member of the Aurora Fire Department. He moved here over five years ago because of the reputation of world class police and fire departments, which he feels is due in part to the processes under the CVC. Problems do exist, but these options are not the best solutions and have not been well thought out. He encouraged Council to table the items and put more thought into them before going to a vote of the people.

Rachel Alpern is a member of the Aurora Fire Department, and stated she is speaking because no other minorities have spoken. She feels the rule of three will be very detrimental to the departments. She gets asked by members of other departments if she was hired by the rule of three process, and she is proud to say that she was not, but by a one-for-one process. This process requires a lot of work, and tests the candidate's abilities. She suggested increasing the percentage of the oral board component in the testing process as a way to truly add an ability component to the process. Council Member Markert thanked Ms. Alpern for offering a concrete suggestion to one of the problems.

Chief Oates stated there are other hiring models out there, but our process is in the minority. Modest discretion on the part of the chief is a common practice, and the approval of the 2007 agreement will put pay more in line with other metro departments, and more money has been allotted for recruitment. The rigidity of our process under the CVC affects our ability to recruit, and the proposed ordinance will give the necessary flexibility. During the last Captain promotion, if the five-point spread process was in place, he would have had two candidates to choose from, with a possibility of four candidates for the next appointment after that. He feels more flexibility to select top people is appropriate in a department the size of Aurora's. The Aurora Police Department is an excellent organization. He came to Aurora as a lateral transfer for the quality of life Aurora offers, and he feels these are all good faith proposals to improve the organizations.

Chief Jones stated recruitment is not a problem for the fire department and the minority representation on the hiring list is not bad. The problem is that the list is ranked, and the one-for-one process limits hiring. Changes in the testing process is a valid point for the promotion process, but not hiring. The process used by the Civil Service is a screening tool, not a selection tool. Background checks are used to exclude a candidate from being a firefighter. The fire department does not hire in large numbers, so having to hire from an order on a list without looking at work history or other things an employer typically looks for is a problem.

Mr. Ragan stated his concern from comments that the merit process is going away. The word merit is not defined by a number, but by qualifications and performance. He is also concerned by the notion that the competitive process is being abandoned. He feels a more objective, substantive and comprehensive process is being proposed. Comparison to business was mentioned. This is nothing more than a progressive business model. He thanked the Mayor, Council and the associations for their perseverance in getting to this point. Discussions proved that more issues were agreed upon than not, and many good ideas were brought forward.

Council Member Hogan stated there are strong feelings on both sides of the issues, and he feels this is similar to the recruitment and lateral transfer issues from long ago. He is hopeful that everyone can work together to find the best solution. He also thanked Administration and the associations for their efforts, and feels it was valuable and important for them to talk about what they could do together. He will be supporting proposals #1, #3, #4 and #5, but not #2. He hopes nobody gives up, as the items will be coming back on August 7, 2006. The City Attorney will help

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with amendments that can be made at final approval, and he feels that if these changes are not done now, the City will not move forward. These need to be approved now and on August 7, 2006 in order to get on the November ballot, or else they will have to wait until next November, and people may not be willing to work together then.

Council Member FitzGerald stated he is torn over proposal #2. He agrees that we need to move forward. He stated he trusts the recommendation of Mr. Rester, and will vote to pull proposal #2.

Council Member Beer stated he respects the need to move on without proposal #2. He does support the one-in-three rule, and stated the original concept was to remove promotions completely from the oversight of the Civil Service, which he could not have supported. He feels the chiefs do need more flexibility in the hiring process.

Council Member Broom stated he supports all five proposals. He believes the one-in-three rule works very well, and that selecting the number one candidate from the list isn't always the right fit. The person responsible for selecting the right person needs the discretion to select from more than one applicant.

Council Member Frazier thanked everyone for coming forward to speak. His main interest is the citizens of the City. Some may characterize them as uninformed, but we all work for them and they pay the bills. Changes need to be made with the process, but the question is whether it is reasonable and good to go to the vote of the people, and he feels all five proposals are reasonable issues. He is willing to support some compromises to the proposals. Police and fire service exist because of politics, and he will support amendments.

Mayor Tauer thanked everyone here tonight. He stated no one took any of this lightly, and we need to present citizens with what we can agree on. He feels a later deadline for the membership and administration to come up with a proposal that everyone likes to be enacted by ordinance will be helpful. He also stated the five-point flexibility on promotions of Captains is a good compromise, while not allowing the chiefs to just pick anyone.

#### ***MAIN MOTION – Item 12c***

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

#### ***AMENDMENT #1***

Motion by Hogan, second by Markert, to amend the ballot question by changing the effective date from January 1, 2007 to April 1, 2007, noting there will be on-going work with the City Attorney to see what language is needed to create a generic process to be adopted by ordinance.

Council Member Hogan stated this will allow five months after the election for the parties to identify what needs to be done through an ordinance and public hearing. He is trying to set up a time period that delays the implementation by three months but gives five months to close the deal. Charles Richardson, City Attorney, stated to keep things simple. It is adequate to change the date but not necessary to specifically address the collaborative process and public input.

Council Member FitzGerald asked if Section 6 also would need changed. Mr. Richardson stated no, to keep the Charter amendment date as January 1, 2007. Section 6 starts the clock to require the completion of the ordinance process by no later than April 1, 2007, and it would not be inconsistent to accept a different implementation date to the Charter amendment.

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Mayor Tauer stated there is no mention of the collaborative process in the language of the ballot question. Mr. Richardson stated that is correct, but the intent is clear from tonight's discussion for all parties to commit to a collaborative process. Mayor Tauer asked if it is not specifically in the ordinance, can Council give that direction to staff after something is voted on. Mr. Richardson stated his interpretation was that the collaborative process was a commitment by this Council to work with the labor groups, and doesn't see it as a staff issue.

Council Member Hogan asked if Council has the ability to make changes when the ordinance comes back for final, rather than struggling over specific language tonight. Mr. Richardson stated non-substantive changes can be made then. Council Member Hogan made the commitment to keep working to make sure we understand whether any changes need to be made.

Council Member Beer stated there are several clauses in the proposal saying "The applicable provisions of the City Code and any rules and regulations adopted in accordance therewith shall govern the recruiting and hiring of new police officers...", and he asked if the problem can't be solved by including in this clause every time it appears, that these rules and regulations shall be adopted by ordinance. Mr. Richardson stated he would not recommend that because that would be a departure from what is normally understood to be the protocol between the relationship of a rule and an ordinance. He stated that a rule or regulation cannot be inconsistent from the ordinance that has been enacted, so he does not believe there needs to be a fear that the rule or regulation will be too far from the ordinance.

Council Member FitzGerald asked if the ballot question can read "fire and police departments and unions". Mr. Richardson stated he is reluctant to specify cooperation with labor groups, because if it is not achieved, the argument will be that there is no closure and therefore cannot be an effective base within which to move forward.

Council Member Markert stated the language "except establishing minimum qualifications" seems to be out of place where it is, but does need to be included somewhere. Mr. Richardson stated the intent is to reserve the CVC jurisdiction to have the sole responsibility to set minimum qualifications. Rearranging the ballot question for grammatical purposes does not constitute a substantial change, and can be done at final.

Council Member Pierce asked for verification that Council Member Hogan will work on language to include the collaborative effort. Council Member Hogan stated he is committed to determining if that is needed, and if it is, to bring it forward at final. Council Member Pierce stated for peace of mind for all involved, he feels that language should be included.

Mayor Tauer stated he thought Council Member Hogan stated the collaborative process for hiring could be adopted by ordinance, with Mr. Richardson saying he would not recommend that. He wants to clarify that the intent is for the hiring process to be adopted by ordinance, which is very different than saying rules and regulations cannot be inconsistent with an ordinance. Mr. Richardson stated his response to Council Member Beer was to contrast the subject matter of what an ordinance would be versus rules and regulations. Rules and regulations are very specific and detailed for implementing a policy, and ordinances are much broader.

#### **VOTE ON AMENDMENT #1 (12c)**

PASSED: 9-1

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

Voting No: Peterson

Council Member Beer stated he will not support this ordinance, as he believes it will be viewed as a weakening of the Civil Service, and detrimental in recruiting. He believes a strong Civil Service will attract more applicants to Aurora, and diversity issues can be addressed in other ways.

***VOTE ON MAIN MOTION (12c) AS AMENDED***

PASSED: 8-2

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

Voting No: Beer, Peterson

***MAIN MOTION – Item 12d***

Motion by Hogan, second by Frazier, to table item 12d.

Mayor Tauer noted that tabling an item is to remove it from consideration.

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

Voting No: Broom

***MAIN MOTION – Item 12e***

Motion by FitzGerald, second by Hogan, to introduce item 12e.

***AMENDMENT #1***

Motion by Pierce, second by Markert, to allow the Police Chief, in his or her discretion, to select for promotion to the rank of Captain, any Lieutenant who has scored within five points of the highest scoring individual, in a 100-point scoring system.

Council Member Hogan asked for clarification as to whether or not this takes out the question of whether the rank of Captain is removed from Civil Service. Mr. Richardson stated that is an entirely separate issue which has not been addressed or debated yet. If no further amendments are made, Captain starts to take on the characteristics of Division Chief Commander.

Mayor Tauer asked if the discipline issue needs a separate amendment or to expand the current one to include that with the exception of discipline, they are under Civil Service as before. Mr. Richardson stated he recommends a second amendment to involve an adjustment of the language.

Council Member Peterson requested the addition of the Fire Chief to also be allowed to have the five-point spread on written exam scores in his hiring process. Mr. Richardson stated that would fall outside the single subject rule, and he cannot allow it as it deals with Battalion Chiefs. Council Member Peterson asked if she could make a separate amendment. Mr. Richardson stated it is

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not an issue on the table now as part of this package, and was dealt with through a separate Charter amendment some time ago.

PASSED: 8-2

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

Voting No: Beer, Peterson

**AMENDMENT #2**

Motion by Pierce, second by Wallace, to return the language on page 319 to its original language, for Captains to retain Civil Service protection for purposes of discipline.

Council Member Hogan asked if this amendment is not adopted, is the previous amendment inconsistent with the original. Mr. Richardson stated no. Council Member Hogan stated he will oppose this amendment. The Battalion Chiefs have already been removed from Civil Service, and they are the equivalent to Captains, so they should be handled the same way. If we don't make this change, there will be three Commanders and fewer Captains. Make the change and provide the opportunity for the Chief to run that department.

Council Member Frazier stated he supports the concept of the five-point discretionary spread, but does not support leaving the Captain rank in the CVC.

Mayor Tauer stated there are two different issues, Civil Service used for the purpose of promotion, and Civil Service used for the purpose of discipline. The first amendment gives the Chief the flexibility of promoting any Lieutenant to Captain who comes within five points of the top scorer. The second question is whether or not Captains are at-will employees or whether they continue to have Civil Service protection in matters of discipline. The second amendment, if approved, allows Captains to retain Civil Service protection for purposes of discipline. If the amendment is voted down, Captains are treated as at-will employees outside of the CVC.

Council Member Pierce stated his intent is to get the five-point rule into effect, and for a Captain to be exempt from Civil Service. Based upon the discussion, Council Member Pierce withdrew his motion for amendment #2. Council Member Wallace withdrew her second.

Council Member Beer asked for clarification, that this ordinance, as amended, gives the Chief the five-point flexibility, and people promoted to Captain are outside the Civil Service. Mayor Tauer stated this is correct.

**VOTE ON MAIN MOTION (12e) AS AMENDED**

PASSED: 9-1

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

Voting No: Peterson

**MAIN MOTION – Item 12f**

Motion by Hogan, second by Frazier, to introduce item 12f.

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**AMENDMENT #1**

Motion by Beer, second by Frazier, to remove the 2/3 supermajority requirement for the removal of a member of the CVC.

Council Member Beer stated he does not believe the CVC should be treated any different than any other board or commission in the City, including the other Charter Commissions. The effects of other boards or commissions in the City are as substantial as the effects of the work of the CVC. Members of other boards are removed by simple majority of Council and the same standards should apply to all.

Council Member Frazier stated a simple majority is all that is needed to appoint the CVC members and a simple majority is all that should be needed to remove the members.

Council Member Hogan stated that while he appreciates the comments of Council Members Beer and Frazier, he is going to oppose this amendment. Given the depth of emotion on both sides of the issue, he feels a simple majority is not enough, especially when it comes to the area of discipline. Because of the potential of being such a volatile situation, more protection is needed for these people, and we would be better suited to have eight votes.

Mayor Tauer stated he also would not support this amendment if he were able to vote on it, as this is a special circumstance and two-thirds is a good idea.

FAILED: 4-6

Voting Aye: Beer, Broom, FitzGerald, Frazier

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

**AMENDMENT #2**

Motion by Peterson, to allow four three-year terms for CVC members.

The motion died for lack of a second.

**VOTE ON MAIN MOTION (12f)**

PASSED: 9-1

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

Voting No: Peterson

**MAIN MOTION – Item 12g**

Motion by Hogan, second by FitzGerald, to introduce item 12g.

PASSED: 8-2

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

Voting No: Beer, Markert

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Mayor Tauer thanked everyone again for coming, noting that Council realizes how important this is, and appreciates everyone's involvement.

13. **RECONSIDERATIONS AND CALL-UPS**

None.

14. **GENERAL BUSINESS**

- a. Consideration to appoint one new member to a three-year term on the Veterans' Affairs Commission.

Motion by Markert, second by Beer, to appoint Robert A. Yett, Sr. to the Veterans' Affairs Commission.

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

15. **REPORTS**

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

NOTE: For further information on applying for a board or commission, interested citizens may call 303-739-7094 or go to Aurora's Web site at [www.auroragov.org](http://www.auroragov.org). Most boards and commissions have residency and voter registration requirements.

Council Member Beer announced his Ward III Town Meeting will be held July 27, 2006, at the Aurora Room, with an interesting program regarding emergency preparedness on the avian flu in the City. He also announced one vacancy on the Citizens' Advisory Committee on Housing and Community Development. He wished a Happy Ninth Birthday to his daughter.

Council Member Wallace announced a Pre-National Night Out party will be held on July 29, 2006 from noon to 4:00 p.m. at Fletcher Plaza, and everyone in the City is invited. The Flix on the 'Fax movie will follow the party.

Council Member Sandstrom announced one vacancy on the Aurora Commission for Seniors. She also announced the Banks in Harmony concert series will be returning to Meadowood Park after an absence of a few years. Concerts will be held on August 3, 10 and 17, 2006, and she encouraged the members of the Meadowood Homeowner's Association to attend. This is a great way to get out and meet your neighbors, and talk about ways to improve your neighborhood.

Council Member Frazier extended congratulations for the Arapahoe County Fair, and encouraged everyone to attend. He announced two vacancies on the Visitors Promotion Advisory Board and three vacancies on the Veterans' Affairs Commission.

Council Member Pierce announced that on July 23, 2006, he along with Council Members Beer and Sandstrom, attended a fundraiser for the Nuñez Foundation, which is founded by the owner of La Cueva Restaurant. \$9,000 worth of scholarships were presented to six students. Council Member Markert announced the retirement of Genola McCartee from the Community Development Block Grant Committee after 22 years of service. She asked about the status of the Blue Ribbon Panel. Mayor Tauer reported the Council appointees have all been made, and he will be making his appointments soon.

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Council Member FitzGerald announced one vacancy on the Business Advisory Board.

Council Member Peterson thanked all of the qualified, committed, dedicated people who serve us by keeping us safe and risking their lives for us, the finest Aurora police and firefighters.

16. **PUBLIC INVITED TO BE HEARD**

None.

17. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 11:34 p.m.

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EDWARD J. TAUER, Mayor

ATTEST:

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DEBRA JOHNSON, City Clerk

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