

## MINUTES

### **Regular Meeting – Aurora City Council Monday, August 7, 2006**

#### **CALL TO ORDER – EXECUTIVE SESSION**

Mayor Tauer convened the Executive Session of City Council at 4:08 p.m.

#### **ROLL CALL**

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

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

#### **CONSIDERATION TO RECESS FOR EXECUTIVE SESSION**

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

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

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

#### 1. **RECONVENE REGULAR MEETING OF AUGUST 7, 2006 AND CALL TO ORDER**

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

#### 2. **ROLL CALL**

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

#### 3. **INVOCATION**

Mayor Edward J. Tauer gave the invocation.

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

#### 5. **APPROVAL OF THE MINUTES OF THE MEETING OF JULY 24, 2006**

Motion by Pierce, second by Markert, to approve the minutes of July 24, 2006 as presented.

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

#### 6. **CEREMONY**

- ♦ *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.*

Mayor Tauer recognized John Terrell Fruit of Boy Scout Troop #3.

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

Gary Kushner, 15942 East Exposition Drive, Aurora, CO 80017, 303-696-1682, stated he spoke before the Council on July 24, 2006 regarding the Tollgate Village Project on Kalispell Way. He informed Council he has had follow-up on one of his two requests to staff: 1. An escrow account has been established. 2. Is Mr. Lewsinski still involved with the Tollgate Village Project? His main concern is the participation of Dominic Lewsinski in the construction process. Mr. Kushner would like to have a public hearing on this project at the next Council meeting. He would like a representative from Tollgate Village to state publicly that Mr. Lewsinski is not involved with this project.

Nancy Freed will research this issue at the request of Mayor Tauer.

Council Member Beer stated he, Council Member Pierce, and Deputy City Attorney Rogers are investigating this project and will contact Mr. Kushner with the latest information.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

**General Business**

- a. Approval of the PURCHASE of 0.5 shares of the stock of the Platteville Irrigating and Milling Company, by the City of Aurora acting by and through its Utility Enterprise.
- b. Consideration to AWARD A SOLE SOURCE CONTRACT to The Active Network Ltd., Burnaby, British Columbia in the amount of \$60,000.00 to provide hardware and software upgrades for the Library, Recreation and Cultural Services Class Registration System.
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Johnson Controls, Inc., Littleton, Colorado in the Guaranteed Maximum Price (GMP) of \$634,215.00 for Phase 2 of Design/Build Services to Repair/Upgrade HVAC Controls, Mechanical and Electrical Systems in buildings on the AMC campus.
- e. Consideration to APPROVE a Certification of Compliance to the Department of Local Affairs regarding Senate Bill 06-090.

Motion by Beer, second by Markert, to approve items 9a, b, d, e, with a waiver of reconsideration on 9e.

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

- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Jordy Construction, Inc., Denver, Colorado in the amount of \$1,384,558.70 for an Addition and Remodel of the Aurora Senior Center, Project No. 5086A.

Lori Daniel, Manager, Recreation Services Division, explained the revisions and addition to the wellness and fitness area of the Senior Center. The proposed project will included seven new elements to the fitness area and redo the bathrooms to include showers.

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Motion by Beer, second by Peterson, to approve items 9c.

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

### **Final Ordinances**

- ◆ f. Consideration of an ORDINANCE FOR FINAL 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.
- ◆ g. Consideration of an ORDINANCE FOR FINAL amending various sections of Chapter 146 of the City Code of the City of Aurora, Colorado, related to assisted living facilities and continuing care retirement and amending Section 147-48, relating to park land dedications for senior housing.
- ◆ h. Consideration of an ORDINANCE FOR FINAL 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.

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

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

### 10. **RESOLUTIONS**

- ◆ a. Consideration of a RESOLUTION in opposition to the 2006 ballot issue known as Amendment 38 or more commonly known as the "Petitions" measure to the Colorado Constitution, that would make changes to the petitioning process and adversely impact operations of the City of Aurora, Colorado and all its enterprises, authorities and related government entities to the detriment of the citizens of Aurora.

Council Member Broom gave a couple of reasons why this amendment is not being supported by the city: the signatures on petitions are not checked, a signature is automatically considered valid and signatures are good for one year. This means if a petition lacks the number of signatures one year, the same signatures may be counted the next year for the same issue.

Mayor Tauer agreed with Council Member Broom's comments and encouraged citizens to call the City or the State with questions.

Motion by Boom, second by FitzGerald, to approve item 10a.

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

### 11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION amending Section 22-609 of the City Code of the City of Aurora, Colorado, regarding the establishment of reinspection fees.

Motion by Wallace, second by Frazier, to defer item 11a to the August 28, 2006 City Council meeting.

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

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- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending the Comprehensive Plan by adopting the Northwest Aurora Bicycle and Pedestrian Master Plan.

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

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

12. **ORDINANCES FOR FINAL**

- ◆ a. Consideration of an ORDINANCE FOR FINAL 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 from the Civil Service Commission to the City's Human Resources Department in cooperation with the respective Fire and Police Departments.

Council Member Peterson stated she would like further discussion on this item.

Motion by Peterson, second by Mayor Tauer, to table item 12a.

FAILED 8 - 1

Voting No: Beer, Broom, FitzGerald, Frazier, Hogan, Markert, Pierce, Wallace.

Voting Aye: Peterson

**MAIN MOTION – Item 12a**

Motion by Hogan, second by Wallace to approve item 12a.

**AMENDMENT #1**

Motion by Hogan, second by FitzGerald, to add an additional sentence to Section 6 of the ordinance to read: 'At a minimum that would include the City Manager's office, the Chiefs of the Fire and Police Departments, the Human Relations Commission, representatives of the Local Union 1290 and Aurora Police Association.' It was clarified that others may also be included in the group.

Mayor Tauer recognized the work of Frank Ragan, Deputy City Manager, with this issue.

PASSED: 9 - 0

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

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

PASSED: 7 - 2

- ◆ *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.*

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

Voting No: Beer, Peterson

- ◆ b. Consideration of an ORDINANCE FOR FINAL 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 and modifying the selection process.

Clarity was given that the initial motion on this item had the Civil Service retaining the testing mechanism for Captain promotions.

**MAIN MOTION – Item 12b**

Motion by FitzGerald, second by Wallace, to approve item 12b.

**AMENDMENT #1**

Motion by Pierce, second by Hogan, to add additional language to Section 14-5 in line 9 “the Human Resources Department will conduct the testing for the promotion of Captain.”

PASSED: 8 - 1

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

Voting No: Peterson

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

PASSED: 8 - 1

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

Voting No: Peterson

- ◆ c. Consideration of an ORDINANCE FOR FINAL 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.

Motion by Broom, second by Markert, to approve item 12c.

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

Voting No: Peterson

- ◆ d. Consideration of an ORDINANCE FOR FINAL 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.

- ◆ ***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 Markert corrected the agenda to reflect the two no votes for this item during introduction were Beer and Markert, not Hogan and FitzGerald.

**MAIN MOTION – Item 12d**

Motion by Hogan, second by Pierce, to approve item 12d.

**AMENDMENT #1**

Motion by Hogan, second by Broom, to add language in Section 3 of the ordinance “to effect individuals promoted on or after” the effective date of January 2007.

PASSED: 8 - 1

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

Voting No: Peterson

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

PASSED: 7 - 2

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

Voting No: Markert, Peterson

13. **ANNEXATIONS**

- ◆ a. PUBLIC HEARING and Consideration of a RESOLUTION finding a petition for annexation of a parcel of land located in the North half of Section 17 and the Southwest quarter of Section 8, Township 5 South, Range 65 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado, to be in substantial compliance with Section 31-12-107(1), Colorado Revised Statutes, and giving notice of a Public Hearing on the proposed annexation (Cherry Creek School District) 136.00 acres.

Mark Geyer, Project Manager, Development Assistance, explained this is the first step of a four part process for annexation. The petition is in compliance and the introduction of the ordinance is set for September 18, 2006. He further explained the 136 acres is planned to be developed as a bus maintenance facility. The property in question is surrounded by the City on three sides.

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

Council Member Markert changed her usual practice of denying annexations since it was for the Cherry Creek School District.

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

- b. PUBLIC HEARING and Consideration of an ANNEXATION AGREEMENT between the City of Aurora and Murphy Creek Estates LLC, a Colorado Limited Liability Company, regarding a parcel of land located in the South half of the Northeast quarter and the Southeast quarter of Section 18, Township 4 South, Range 65 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado (Murphy Creek Estates/Waterstone) 238.488 acres.

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Mark Geyer, Project Manager, Development Assistance, gave a brief history of this item. The ordinance was introduced in October of 2005, with details of the annexation agreement being worked out in the interim. This property abuts City boundaries on the south and east sides.

Council Members Beer and Frazier support this annexation since it eliminates an enclave.

Motion by Beer, second by Wallace, to approve item 13b.

PASSED: 9 - 1

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

Voting No: Markert

- ◆ c. Consideration of an ORDINANCE FOR FINAL annexing a parcel of land located in the South half of the Northeast quarter and the Southeast quarter of Section 18, Township 4 South, Range 65 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado. (Murphy Creek Estates/Waterstone) 238.882 acres.

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

PASSED: 8 - 1

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

Voting No: Markert

- ◆ d. Consideration of an ORDINANCE FOR FINAL zoning a parcel of land generally located at the Northwest corner of Mississippi and Harvest Road, City of Aurora, County of Arapahoe, State of Colorado, E-470 Corridor Zone District and amending the Aurora Zoning Map accordingly (Waterstone) 240 acres more or less. Case No. 2004-2025-00.

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

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

14. **RECONSIDERATIONS AND CALL-UPS**

None.

15. **GENERAL BUSINESS**

- a. Consideration to appoint one new member to a three-year term on the Aurora Fox Arts Center Board.

Motion by Markert, second by Peterson, to appoint Mary Jeanne Murl to the Aurora Fox Arts Center Board.

Council Member Broom asked why there were so many recent vacancies on this board. Staff will provide information to Council.

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

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

Motion by Broom, second by Wallace, to appoint Samantha Downing to the Cultural Affairs Commission.

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

- c. Consideration to reappoint one incumbent member to a three-year term on the Golf Course Advisory Committee.

Motion by Beer, second by Fitzgerald, to reappoint Teresa Barbo to the Golf Course Advisory Committee.

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

- d. Consideration to reappoint one incumbent member to a two-year term on the Aurora Youth Commission.

Motion by Pierce, second by Beer, to reappoint Andris Berzins to the Aurora Youth Commission.

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

- e. Consideration to appoint three new members to a three-year term on the Art in Public Places Commission.

Motion by Hogan, second by Markert, to appoint Joan Calvert, Mary Linhoff and Chris Thunblom to the Art in Public Places Commission.

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

16. **REPORTS**

- a. Report by the Mayor

Mayor Tauer reminded everyone that school starts next week and the Aurora Police will be out in force protecting our little citizens.

- 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 Peterson has enjoyed the rain the City has received lately. The rain is greatly appreciated.

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Council Member FitzGerald announced Aurora was named one of the top cities for businesses to relocate by the Kiplinger Report.

Council Member Markert announced Thursday, August 10 is the Saint Andrews Parish dedication. She also announced her Ward IV town meeting on August 24, departing from Fire Station 11 for the Communication Center at 8:30 am. This will give residents an understanding what happens when 911 is called.

Council Member Pierce announced several vacancies on the Aurora Fox Art Center Board.

Council Member Hogan announced several vacancies with the Aurora Youth Commission.

Council Member Wallace attended the 2nd Annual Black Arts Festival in Original Aurora at Fletcher Plaza. She also congratulated Kat Santos for a great National Night Out on August 1, 2006, in spite of the rain.

Council Member Beer announced three vacancies on the Cultural Affairs Commission, and announced the Grand Opening of the new Dillards store at the Town Center on August 8, 2006. His Ward III Town Meeting will be on August 21, 2006 in the Aurora Room at 7:30 p.m. The topic of the evening will be the new state laws on immigration.

17. **PUBLIC INVITED TO BE HEARD**

None.

18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:36 p.m.

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EDWARD J. TAUER, Mayor

ATTEST:

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DEBRA JOHNSON, City Clerk

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