

MINUTES

Regular Meeting – Aurora City Council Monday, October 9, 2006

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:45 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

1. **RECONVENE REGULAR MEETING OF OCTOBER 9, 2006 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:34 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, Deputy City Attorney Rogers,
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 SEPTEMBER 25, 2006**

Motion by Peterson, second by Hogan, to approve the minutes of September 25, 2006 as presented.

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

Abstained: Frazier

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.*

- a. Swearing in of newly appointed Relief Judges - Presiding Judge Richard Weinberg

Judge Scott Baroway
Judge Suzanne Staiert
Judge Brett Woods

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

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

Barbara Fillner, 4900 South Sedalia Way, Aurora, CO, 303-617-1897, stated she lives west of Meadow Point Elementary School, and there is a storm drainage area in between the school and her house, that runs along a pathway that children walk to school. She stated some children are doing graffiti and other damage to resident's fences along this path, and she would like to see a fence installed at the beginning and end of the drain way to protect their property. An Aurora Police Officer was called regarding the damage, but stated he did not have the time to talk to the parents of the children causing the damage, and that the residents could always move. She stated the Principal of the school also has complained of graffiti at the school. Ms. Fillner also asked Council not to reduce the amount of police officers in the City.

Mayor Tauer stated Aurora Police should never tell anyone to move, and he asked her to speak with Police Chief Daniel Oates regarding that issue. He also asked her to speak with Dave Chambers, Director of Public Works, regarding the fence issue.

Council Member Sandstrom stated the City is mandated to keep two police officers per every 1,000 residents, so the number is usually added to, not reduced. Mayor Tauer stated the only way that could change would be by the vote of the citizens of the City.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-9b**

Final Ordinances

- ◆ a. Consideration of an ORDINANCE FOR FINAL amending Section 130-4 of the City Code of the City of Aurora, Colorado, regarding tax increment financing in Urban Renewal areas.
- ◆ b. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, annexing a City-owned parcel of land located in the Southwest quarter of Section 7, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (City of Aurora/Shop Creek Lift Station) 3.98 acres.

Motion by Hogan, second by Markert, to approve items 9a, b.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Northeast Greenway Corridor Cooperative Agreement.

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

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

- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, adopting a policy regarding the funding of Community Service Agencies with a nexus to law enforcement.

Mayor Tauer noted there were some questions regarding the wording of this Resolution, and if it accurately reflected the will of Council as expressed at Study Session.

Motion by Markert, second by Peterson, to defer item 10b to the October 23, 2006 City Council meeting.

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION amending Chapter 138 of the City Code of the City of Aurora, Colorado, establishing a Cross-Connection Control Program.

MAIN MOTION

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

AMENDMENT #1

Council Member Hogan stated the ordinance specifies the property owner and/or person billed for water service are both considered the responsible parties, and he feels the property owner should be the sole responsible party.

Motion by Hogan, second by Peterson, to amend subsections 3(J), 7(A)(2) and 7(A)(3) to make the owner the responsible party.

VOTE ON AMENDMENT #1

PASSED: 9-1

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

Voting No: Sandstrom

AMENDMENT #2

Council Member Markert noted additional discussion took place at Study Session regarding how much the fines should be given the amount of risk and public safety that is in question. The amount of staff time and effort involved in enforcing the cross-connection program requires a stiffer penalty.

Motion by Markert, second by Hogan, to increase the penalty in subsection 7(A)(2) from \$250.00 to \$1,000.00 with the waivable portion increased from \$150.00 to \$600.00, and the penalty in subsection 7(A)(3) increased from \$500.00 to \$2,000.00.

Bob Rogers, Deputy City Attorney, stated \$2,000.00 is allowable for a civil penalty, which this falls under.

VOTE ON AMENDMENT #2

PASSED: 9-1

- ◆ *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.*

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

Voting No: Broom

Council Member FitzGerald asked staff for a brief explanation of this item for the benefit of the citizens. Dan Mikesell, Manager of Water Services, stated a cross-connection is when pollutants or contaminants come into contact with the public water supply. A backflow prevention device is used to protect that from happening. This ordinance clarifies language to that effect, and puts an enforcement tool in place to make sure we are meeting the primary drinking water regulations, and to protect our potable water supply by making sure that these devices are tested annually and in good working order.

VOTE ON MAIN MOTION AS AMENDED

PASSED: 10-0

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

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION amending Section 50-37 of the City Code of the City of Aurora, Colorado, regarding Municipal Court Surcharges.

Council Member Markert stated the same technical error exists in this ordinance as in item 10b, and needs corrected before moving forward.

Motion by Markert, second by Pierce, to defer item 11b to the October 23, 2006 City Council meeting.

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

- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, Adopting an Operating and Capital Improvements Projects Budget for the Fiscal Year Beginning January 1, 2007, and Ending December 31, 2007.

Council Member Beer acknowledged Mike Trevithick, Budget Officer; Ron Miller, City Manager; and the Citizens' Advisory Budget Committee for all of the hours spent and hard work dedicated to the budget. He is please to support approval of a balanced budget for 2007.

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

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

- ◆ d. Consideration of an ORDINANCE FOR INTRODUCTION Establishing the Tax Levy on all Taxable Property Within the Corporate Limits of the City of Aurora, Colorado, for the Tax Collection Year Beginning January 1, 2007, and Ending December 31, 2007.

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

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

- ◆ e. Consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, Appropriating Sums of Money to Defray Expenses and Liabilities for the Fiscal Year Beginning January 1, 2007, and Ending December 31, 2007.

Mayor Tauer also thanked everyone involved for the great work on the 2007 budget process.

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Motion by Hogan, second by Broom, to introduce item 11e.

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

12. **PLANNING MATTERS**

- ◆ a. PUBLIC HEARING and Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, vacating a portion of Emporia Street located between Colfax Avenue and 16th Street, City of Aurora, County of Adams, State of Colorado (Florence Square/Emporia Street). (Case Number 2006-8002-00).

Kim Kreimeyer, Planning, gave a brief introduction of the item, stating Florence Square Redevelopment LLC is proposing to vacate Emporia Street between Colfax Avenue and 16th Avenue. Emporia Street will become a private street, owned by Florence Square Redevelopment, LLC after the vacation, but an access and utility easement will be reserved. Two of five neighborhood referral cards were returned, both expressing support for the project. This street vacation meets all of the code requirements, and staff recommends approval.

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

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

13. **ANNEXATIONS**

- ◆ a. PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, making certain findings of fact regarding the proposed annexation of a parcel of land located in the North half of the Northeast quarter and the East half of the Northwest Quarter of Section 18, Township 5 South, Range 66 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado, (Shalom Park) 9.58 acres.

The Public Hearings and discussion for items 13a through 13c were held together. Scott VanGenderen, Project Manager, Development Assistance, gave a brief introduction, noting this area is devoted to housing and care for elderly residents at Shalom Park. Shalom Park has purchased an additional 10 acres between the current campus and Parker Road.

Elizabeth Tart, Planning, displayed a map of the site, noting the existing location and proposed addition. She stated this project is consistent with other Shalom Park development and the General Development Plan. Six of 21 referral cards were returned, with three showing support, two stating no position, and one requesting additional information. Staff recommends approval.

Mayor Tauer clarified that tonight is to approve the annexation and initial zoning only, and that the site plan process will occur later.

Council Member Pierce asked about the uses permitted by right, noting the area will be used for residential and commercial, and he wondered what commercial development might be included.

Dan Stenersen, 14800 East Belleview Drive, Aurora, CO 80015, 303-680-5000, representing Shalom Park, stated the commercial use will be limited and related to the rest of the campus. It might include medical facilities and restaurants that will be beneficial to the residents and surrounding neighbors. Council Member Pierce stated his concerns with drive-up facilities. Mr. Stenersen stated the campus is a pedestrian friendly community, serving a clientele that is not very spry in nature, and they will encourage everyone, including neighbors, to help keep the community at a slower pace. The South boundary abuts a new street going into the Colonade development, and all access into the campus comes through that entrance, not Parker Road, which will limit traffic. Hours of operation for any commercial businesses will be mindful of the residents.

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Council Member Beer asked why Shalom Park would want to make such a radical revision to their business plan by including commercial businesses. Mr. Stenersen stated the original plan always included multi-use, it's just that this is the first commercial project to be proposed. A residential market research survey showed the aging market of Shalom Park have expressed desires for commercial amenities, and the revenue will help supplement costs for services provided to the residents.

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

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

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, annexing certain lands located in the North half of the Northeast quarter and the East half of the Northwest quarter of Section 18, Township 5 South, Range 66 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado, (Shalom Park) 9.58 acres.

Motion by Broom, second by Sandstrom, to introduce item 13b.

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

- ◆ c. PUBLIC HEARING and Consideration of an ORDINANCE FOR INTRODUCTION for the Initial Zoning of a parcel of land generally located East of Parker Road, approximately 800 feet South of Belleview, to Planned Development with an associated General Development Plan for campus expansion and amending the Aurora Zoning Map accordingly, (Shalom Park West) 9.70 acres more or less. (Case Number 2006-2003-00).

Motion by Broom, second by Frazier, to introduce item 13c.

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

Voting No: Pierce

- ◆ d. PUBLIC HEARING and Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, making certain findings of fact regarding the proposed annexation of a parcel of land located in the North half 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) 3.340 acres.

The Public Hearing and discussion for items 13d and 13e were held together. Scott VanGenderen, Project Manager, Development Assistance, gave a brief introduction, noting this is a small parcel surrounded by the City and the proposed CornerStar development. The General Development Plan for CornerStar will come to Council at a later date. This parcel was not part of CornerStar's original annexation, but is an essential parcel for the development.

Council Member FitzGerald noted the map shows additional parcels nearby, and he asked if they will be included in this development at a later date. Mr. VanGenderen stated one parcel will remain in the County as a Colorado Department of Transportation right-of-way; one parcel is owned by a different owner, who may want to annex into the City later; and two small parcels are Arapahoe County Water and Wastewater Authority wells, and will not be annexed.

Legal Counsel for the applicant was present to answer any questions.

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

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

- ◆ e. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, annexing certain lands located in the North half 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) 3.340 acres.

Motion by FitzGerald, second by Broom, to introduce item 13e.

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

14. **RECONSIDERATIONS AND CALL-UPS**

None.

15. **GENERAL BUSINESS**

- a. Consideration to appoint one new member to a three-year term on the Judicial Performance Commission.

Council Member Hogan asked for additional information regarding the membership qualifications on the Judicial Performance Commission, and the withdrawal of one of the applicants.

Motion by Broom, second by Hogan, to defer item 15a to the October 23, 2006 City Council meeting.

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

Voting No: Beer

16. **REPORTS**

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. Most boards and commissions have residency and voter registration requirements.

- a. Report by the Mayor

Mayor Tauer extended his appreciation to Council for working hard together and their diligence in reviewing and balancing the budget.

- b. Reports by the Council

Council Member Beer announced two vacancies on the Visitors Promotion Advisory Board and one vacancy on the Open Space Board. He also announced a candidate forum will be held October 16, 2006 at the Community College of Aurora, from 6:00 to 8:45 p.m. From 6:00 to 7:00, citizens can meet the Arapahoe County candidates, and from 7:00 to 8:45, the forum will be conducted with State Representative candidates.

Council Member Wallace reported on the ribbon cutting ceremony for General's Park on the Fitzsimons campus, and noted it is a beautiful park. She announced her Ward Town Meeting for 7:00 p.m. on Tuesday, October 10, 2006 at the Martin Luther King, Jr. Library.

Council Member Sandstrom announced the Meadowood and West Meadowood residents are in the process of organizing a new homeowner's association, and they are meeting the second Tuesday of every month. The next meeting will be November 14, 2006, at 7:00 p.m. at Dartmouth Elementary School, when they will be electing officers. This is a great group of people with the best interests to

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improve the general conditions for their communities at heart. She encouraged all residents of those communities to come to the meeting.

Council Member Broom reported on JC Penney's opening at Southlands last Friday, with Mayor Pro Tem Sandstrom cutting the ribbon. Southlands Mall will host the grand opening of Main Street, which is a large and exciting addition, on October 19, 2006. The completion of Southlands Mall will be soon, and the revenue will really help the City's sales tax base. He wished them the best of luck. He and his wife attended the one-year anniversary of the University of Colorado Hospital Center for Dependency, Addiction and Rehabilitation on the Fitzsimons campus, a state of the art facility for treatment of substance abuse, similar to the Betty Ford Center. He congratulated them for their good work, and stated it is a beautiful facility.

Council Member Frazier announced one vacancy on the Aurora Commission for Seniors. He also reported next week, numerous members of the City Council and Staff will be fortunate to participate in a Public Safety Homeland Security training session in Emmetsburg, Maryland to gain insight in addressing disasters in our community. The residents of the City can take comfort in knowing that the City is taking steps at all times to prepare ourselves on how best to handle disasters.

Council Member Pierce reported the Aurora Economic Development Council A-List Luncheon was held September 28, 2006 for 1500 people. Sam Donaldson, from ABC News, was the featured speaker, and gave a great speech on the importance of doing research for various diseases. Fitzsimons is a perfect example of where this research can be done. He thanked everyone for attending this great event, and gave a special thank you to Mr. Donaldson.

Council Member Markert noted that Aurora is truly an extraordinary City. On Saturday, she attended an event hosted by Overland High School listening to three men who made promises to help build leadership in the African-American community. The moderator, Michael Armstrong, attended Eastridge Elementary School, Prairie Middle School and Overland High School, and is a Senior Vice President for the Black Entertainment Network. She also attended the Double Tenth Celebration Committee for Colorado banquet, celebrating the Republic of Taiwan, an extraordinary group of citizens. She and Council Member Peterson attended the 9th Annual Celebration of Success, in conjunction with the Aurora Housing Authority, honoring the following citizens for their transition to independence: Elijah and Rashaunda Bell, Janelle Bianchi, Candice Carr, Rachel Colorado, Debra Durst, Kecia Montaque, Judy Moore, Toia Nash, Jennifer Rhoades, Rose Santana, Kari Shie, Sharita Link, Sandra Ragland, Tracy Starkey, Sybil Lewis, Angelic White, Jeanetta McCain and Candice Few. She announced a meeting for neighborhoods along Havana Street will be held at 6:30 p.m. on Thursday, October 12, 2006 at the Village East School regarding the redevelopment of Buckingham Square, and the ribbon cutting for the Ronald McDonald House will be held at 10:00 a.m. on October 19, 2006 at 932 Potomac Street. Additional Board & Commission vacancy information can be obtained from the City Clerk's office at (303) 739-7094.

Council Member FitzGerald reported he, his wife and daughter attended the Race for the Cure on Sunday. He congratulated the 65,000 participants, who included survivors, supporters and people in the medical field. Denver's race is the largest in the nation, and we should all be proud of the participants.

Council Member Peterson announced the Original Aurora Resource Center will hold a free Flu Shot Clinic at the Martin Luther King, Jr. Library, 9898 East Colfax Avenue, on Wednesday, November 1, 2006, from 8:30 to 9:30 a.m. Children between the ages of 10 and 17 will be able to receive a flu shot, but must be accompanied by a parent or guardian, and folks with difficulty standing can go to the front of the line.

17. **PUBLIC INVITED TO BE HEARD**

None.

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18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:43 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

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