

MINUTES

Regular Meeting – Aurora City Council Monday, October 23, 2006

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:35 p.m.

ROLL CALL

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

City Clerk Debra Johnson announced the proposed items for discussion at Executive Session.

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

1. RECONVENE REGULAR MEETING OF OCTOBER 23, 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, Markert, Peterson, Pierce, Sandstrom
COUNCIL MEMBER ABSENT:	Hogan, Wallace
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 OCTOBER 9, 2006

Motion by Peterson, second by Pierce, to approve the minutes of October 9, 2006 as presented.

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

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6. **CEREMONY**

- a. Presentation from Habitat for Humanity - Edward J. Tauer, Mayor

Lori Vaclavik, Executive Director of Habitat for Humanity, reported 15 new Habitat for Humanity homes were built at the new Bridge at Tollgate Crossings subdivision near E-470 and Quincy. She introduced Mary and Todd Davis and Elisha Perez, two of the fifteen families who have made their homes in Tollgate Crossings. She recognized and expressed her appreciation to the 15 local homebuilders that donated all of the materials and labor to build the homes, and City of Aurora staff for their efforts in making affordable homes for hardworking families in our community.

Mayor Tauer recognized all those who volunteered their time and energy in building the homes as well.

- b. Presentation of Colorado Lottery's Starburst Award for Hoops Park - Kathy Wallace, On-Line Manager, Colorado Lottery

Kathy Wallace, On-Line Manager of the Colorado Lottery, presented Mayor Tauer and the City of Aurora with the Starburst Award for their excellent use of Lottery proceeds in the development of Hoops Park. She recognized the Parks and Open Space staff for their efforts in providing a wonderful park that improves the lives of Aurora citizens.

Mayor Tauer recognized Boy Scout Troop #719, sponsored by Hampden Hills Ward.

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

Glenda Wells-Evans, 7157 South Versailles Street, Aurora, CO 80016, 303-693-5960, expressed her appreciation to Mayor Tauer and Council for listening to citizens when they come before them with concerns. She expressed her appreciation to Chief Oates for the good job he is doing with the Police Department, and she expressed her appreciation to Council for allowing the four questions to be on the ballot for the residents to decide. She stated the community is in favor of changing antiquated systems, and the City will be well served if these ballot questions pass.

John Gay, 4180-A South Fraser Circle, Aurora, CO 80014, 303-692-8001, stated all four ballot questions are important, but issue 2d is the main issue to support. Limiting the terms of the Civil Service Commissioners will be a good thing for the City. He stated he has spoken with the President of the Firefighters Union, who believes the issues are all about power and wants to see all four questions defeated. Mr. Gay urged Council to do what is best for the City and not individual groups. He commended Chief Oates for going into the communities to visit the citizens, and representing the City well.

Nicholas Walker, 331 Ursula Street, Aurora, CO 80011, 303-366-0401, thanked Nancy Sheffield, Margee Cannon and Dora Gisch in Neighborhood Services for assisting the Montview corridor with neighborhood parties. They are very pleased to be recognized as an important part of the City. He also stated his support for Chief Oates and Chief Jones for their efforts in community policing and firefighting. He feels the Civil Service Commission is antiquated, and wants the Chiefs empowered to make hiring and firing decisions, as long as accountability is in place. He urged support for ballot questions 2a, 2b, 2c and 2d.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

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General Business

- b. Consideration to AWARD CHANGE ORDER NO. 2 to a competitively bid contract with Aggregate Industries, Golden, Colorado in the additional amount not to exceed \$180,000.00 to cover the cost of asphalt mixes as required in the City's South Region through December 31, 2006.
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Colorado Designsapes, Inc., Centennial, Colorado in the amount of \$105,254.50 for Practice Soccer Fields – Site Improvements, Project #5101A.
- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Goodland Construction, Inc., Golden, Colorado in the amount of \$840,595.75 for the Hutchinson Channel/Unnamed Creek Trail, Project Number 5046B.

Motion by Markert, second by FitzGerald, to approve items 9b-d.

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

- a. Consideration to AWARD COMPETITIVELY BID CONTRACTS to select vendors in the combined total not-to-exceed amount of \$5,611,076.00 to cover the cost of motor vehicles as required through 2007.

Council Member Markert asked if any Aurora Auto Dealers were represented in the approval process and were a part of the package. Greg Carlton, Manager, Fleet Services, was not aware of all participating vendors at this time, and agreed to provide that information as soon as it was made available.

Motion by Markert, second by Peterson, to introduce item 9a.

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

Final Ordinances

- ◆ e. Consideration of an ORDINANCE FOR FINAL amending Section 50-30 of the City Code of the City of Aurora, Colorado, related to issuance and service of summonses by University of Colorado at Denver and the Health Sciences Center Campus Peace Officers.
- ◆ f. Consideration of an ORDINANCE FOR FINAL 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.
- ◆ g. Consideration of an ORDINANCE FOR FINAL 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.
- ◆ h. Consideration of an ORDINANCE FOR FINAL 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.

Motion by Sandstrom, second by Pierce to approve items 9e-h.

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

10. **RESOLUTIONS**

- ◆ a. 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.

MAIN MOTION

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

Council Member Markert offered the following changes to Item 10a:

- ◆ Section 1, Paragraph A, Item 10a, "Funding from the revenues of *the first ten dollars* of the surcharge assessed pursuant to Section 50-37A4 of the City code, shall be reserved for those community service agencies that provide supplemental services to law enforcement."; and
- ◆ Section 2, Page 48, replacing the reference from "*Director of Neighborhood Services to Chief of the Police Department.*"
- ◆ Section 2, "The second dollar being appropriated to the Office of the Court Administrator to oversee the cost of administering the program."

Council Member Markert noted this would increase totals from \$29 to \$30 and would assure some of the money goes to Court Administrator. She read: "Funding from the revenues of the second dollar of the surcharge assessed pursuant to Section 50-37A4 of the City code, shall be made available for appropriation to the Office of the Court Administrator for the purpose of administering the program to fund community service agencies with a nexus to law enforcement. The administrative duties of the Court Administrator shall include the allocation of surcharge revenues to the appropriate community service agencies and the development of funding recommendations for each fiscal year that the program is in effect."

AMENDMENT #1

Motion by Markert, second by Peterson, to replace the Director of Neighborhood Services to Police Chief in Section 2.

VOTE ON AMENDMENT #1

Passed: 8-1

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

Council Member Frazier expressed his understanding that a portion of the second dollar would go toward the costs associated with the court administration of the program. He asked if there was an increase from \$29 to \$30 and noted a proposal was not put forth for that. Council Member Markert stated it was necessary for the resolution to come first and stated it would come together in the codification of the ordinance.

Council Member Broom would not support the dollar increase for administrative purposes but would support the first amendment regarding the Chief of Police and adding the first ten dollars.

Council Member Pierce stated the total surcharge is \$12, \$10 of which would go to agencies and \$2 to Victim's Assistance. Council Member Markert stated the total surcharge would increase from \$12 to \$13.

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AMENDMENT #2

Motion by Markert, second by Peterson, to approve the amendment to increase the total to \$13 and state last dollar goes to Court Administration.

Council Member FitzGerald stated the issue is that this is not money from a general fund.

Council Member Frazier pointed out when the Public Safety Committee agreed to assess the surcharge of \$3 for the Victim's Assistance Fund, that decision was based on an analysis and recommendation brought forth by the Police Department that stated that level of funding would help secure future needs of that fund. No analysis was done that suggested an additional dollar was needed for the Court Administration to administer this program and he expressed reservations in doing so.

Charles Richardson, City Attorney, recommended consideration of this item be deferred until the date the ordinance is finalized.

Council Members Markert and Peterson agreed to rescind the Main Motion, Amendment #1 and Amendment #2.

NEW MOTION:

Motion by Markert, second by Peterson, to defer Item 10a to the November 13, 2006 City Council meeting.

Passed: 7-1

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

Voting No: Beer

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

Motion by Sandstrom, second by Frazier, to approve item 10b.

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

- ◆ c. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado requesting that the Colorado Department of Transportation and the Denver Regional Council of Governments program sufficient FY2007 HB 02-1310 funds to complete the construction of an additional general-purpose lane directionally between 2nd Avenue and the North side ramps at the Alameda interchange.

MAIN MOTION

Motion by Broom, second by Beer, to approve item 10c.

AMENDMENT #1

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Motion by Frazier, second by FitzGerald, to amend item 10c to read, Paragraph 5, "Whereas the I-225 corridor is rated *by CDOT* as the most congested corridor in the Metropolitan area."

VOTE ON AMENDMENT #1

Passed: 8-0

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

Council Member Beer stated the issue was a recommendation by CDOT to move 5.8 million dollars that was previously allocated for I-225 to other projects on the basis that there were no projects ready to go on I-225. This is not the case. The actual motivation is to avoid widening lanes on I-225 because doing so would preclude CDOT from putting in two toll lanes in each direction.

VOTE ON MAIN MOTION, AS AMENDED

Passed 8-0

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

- ◆ d. PUBLIC HEARING and consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, declaring the existence of a blighted area within the City and designating the area as appropriate for Urban Renewal.

Mark Franzen, Development Project Manager, gave a brief summary of items 10d-e. The property owner does not object to the inclusion of this property into the proposed renewal area. The Study finds that the area is one in which, in its present condition and use and by reasons of the presence of blight, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, constitutes an economic or social liability and is a menace to the public health, safety and morals or welfare pursuant to the State Statute. The study concludes that this area is a blighted area and recommends that City Council make a legislative finding of blight.

John Gross, Director of Finance, stated Item 10f authorizes the approval of a redevelopment agreement with the developer of the Highpointe Conference Resort. In that agreement, the developer promises to provide a top quality conference resort in the City of Aurora and as a part of that financing plan, the City would temporarily escrow 90 percent of the tax receipts from that resort for a period of time which would only be used if the Conference Resort had a cash flow problem during startup. In reviewing the independent market studies, it is projected that such a cash shortfall would not occur. The money would be returned to the City a few years later with interest, and if the money were used, it would still be returned to the City, with interest.

Council Member Broom noted the money being pledged would only be generated and collected if the facility were built and the City was not putting in any current revenue.

Council Member FitzGerald noted the goal was to create this resort for purposes of helping the overall economic development of the City, and to create a financing mechanism that is within the construct of the law. He felt it was an appropriate use of the law and he would support it.

Council Member Beer supported the project, felt it was an exciting project, and understood the financing complexities. He suggested it has led to interesting semantics. Generally, people associate blight with slum conditions and in the context of what is being done, blight is a figure of

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speech that relates to eligibility for designation as an Urban Renewal District. He felt that context should be considered.

Motion by Broom, second by Peterson, to approve item 10d.

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

- ◆ e. PUBLIC HEARING and consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, adopting an Urban Renewal Plan for the redevelopment of the Highpointe Urban Renewal Area.

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

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

- ◆ f. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of the Redevelopment Agreement by and among the City, the Aurora Urban Renewal Authority, and Highpointe Conference Resort, LLC.

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

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

- ◆ g. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving a lease agreement between the City of Aurora and the Regional Transportation District for a Park-n-Ride located at Olympic Park.

Council Member Sandstrom noted this was an extension from an agreement from 1983, and it appears Exhibits 1, and 2, pages 182 and 183, were carried over from that time. She asked if those dollar amounts were updated or carried over as well. Lyman Ho, Manager of Real Property, stated Exhibit 1 is the legal description of the property included in the lease and that is the same but Exhibit 2 was updated.

Council Member Beer asked why the extension term was less than half the duration of the original term. Mr. Ho stated the original term was suited to adjust to a lease the City had with the Army Corp of Engineers. That lease has since been renegotiated and the Parks Department decided ten years was appropriate.

Motion by Broom, second by Pierce, to approve item 10g.

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. 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 expressed her confusion regarding the last sentence, which appeared to list an additional \$10 surcharge. Charles Richardson, City Attorney, clarified that the \$12 was for every infraction with the exception of \$10 for the Automated Vehicle Identification System, or photo radar system, which is limited to \$10 by the state.

Mike Trevithick, Budget Officer, clarified the ordinance would increase the surcharge currently applied for Victim's Assistance from \$10 to \$12. The increase would insure the long-term

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security of the fund, and would establish a new surcharge of \$10 to fund a program for community service agencies with a nexus to law enforcement

Council Member Broom noted he is against the photo radar cameras.

Council Member Beer stated he would like to see an additional \$1 go to the Court Administrator to help with the program.

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

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

- ◆ b. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION amending Section 146-603 and adopting Section 146-1210 of the City Code of the City of Aurora, Colorado, relating to recreational vehicle parks.

William Davidson, Planning Department, gave a brief summary of the item. The proposal would allow a conditional use permitted in the open district because most of the parcels under this classification are publicly owned and rezonings associated with recreational vehicle parks are expected. This recommendation includes a 30-day limit of stay that could be extended to 90 days based on medical need.

MAIN MOTION:

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

AMENDMENT #1

Motion by Markert, second by FitzGerald, to remove the 30-day limit with extension.

Council Member Markert could not justify reading all the requirements as anything but unfriendly to business and visitors and if the City was attempting to put forth the opportunity for people in recreation vehicles to visit then policing the length of stay is beyond the scope of policymaking.

Council Member Sandstrom would not support the amendment and felt people would stay on a semi-permanent basis and 30 days was an appropriate amount of time to encourage tourism.

Council Member Peterson noted the reason this was brought forth was because there have been situations where people had children at Children's Hospital and needed to stay longer and should be allowed a 90 day extension. She did not want this to become a month-to-month rental.

Council Member Broom stated the 30-day time limit is the same as having a two-hour parking meter limit as it provides an appropriate level of turnover.

VOTE ON AMENDMENT #1

Denied 7-1

Voting Aye: Markert

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Voting No: Beer, Broom, FitzGerald, Frazier, Peterson, Pierce, Sandstrom

VOTE ON ORIGINAL MOTION

Passed: 8-0

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

- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION amending Sections 138-221, 138-223, 138-326, 138-327, 138-396 and 138-397 of the City Code of the City of Aurora, Colorado, regarding service connection fees, water and sewer rates, drainage basin development fees, and storm drainage monthly usage fees.

Dana Ehlen, Acting Director, Aurora Water, gave a brief summary of the item. The ordinance was to raise revenues for the Aurora Water Department and the Wastewater areas by 12 percent for the years 2007 and 2008, to increase the storm drainage fees in 2008 and to raise revenues to pay for capital projects. Indoor water rates would be lowered by 10 percent for indoor water usage. Customers who use 3000 gallons or less per month would receive a conservation credit of \$3.75 as a rebate to promote conservation. The tap fee increases are in line with other growing jurisdictions in the Metro area.

Council Member Beer asked staff to speak to the process staff has used to ensure that rates are designed so that residents of the existing City are paying for improvements to the existing system and residents of new homes are paying for the expansion of service, and how that is monitored. Mr. Ehlen determined both are paying their own ways. Council Member Beer wondered what Cost Separation Studies the Department has conducted in order to ensure that the tap fees homebuyers pay is matched to the actual cost of providing services.

Rick Giardina, from Red Oaks Consulting, discussed how the Capital Improvement Program is evaluated each year to determine what elements of the program are growth, expansion, renewal or replacement related and how that relates to meeting the demand of the citizens.

Council Member Pierce stated the Prairie Waters Project would bring additional resources to the City, and will serve the City for decades to come. In addition, the rate increases were financing other projects within the City and the 12% revenue increase would be realized by reducing indoor use, offering customers a conservation credit, and increasing the rates of those who use excessive amounts of water in the summertime.

Mr. Giardina stated that a multi-year financial plan has been prepared that will be updated each year. The rate increases are reduced to the 7% to 8% range in future years. Council is being asked to adopt a two-year rate plan at this time. An updated Facilities Plan is being reviewed at this time. Typically, only one year at a time is addressed and this proposal is for two years and allows customers to budget two years in a row.

Council Member Markert asked when collaborating or partnering could be discussed so that Aurora taxpayers are not bearing the full weight of this project. Mr. Ehlen confirmed it would be discussed as the opportunity presents itself.

Council Member Broom expressed concerns that both growth and taps were slowing down. He has asked staff to phase projects so that rates would not be raised more than 12% in the future if growth continues to slow down.

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Tom Tobiassen, 3743 South Helena Way, Aurora, Colorado, 80013, 303-677-3948, representing the Citizen's Utilities Advisory Committee (CUAC), related the CUAC closely reviewed this rate proposal and recommended its approval.

MAIN MOTION:

Motion by Pierce, second by Peterson, to introduce item 11c.

AMENDMENT #1

Motion by FitzGerald, second by Markert, to amend item 11c, Page 230, Item #6, to state, "The amount due for water and sanitary water sewer service connection fees shall be calculated according to the fee schedule in effect on September 23, 2006, provided that the application for the Building Permit is filed no later than October 31, 2006, and the Building Permit is issued by the City on or before February 1, 2007 and the fees are paid on or before February 1, 2007."

VOTE ON AMENDMENT #1

Passed: 8-0

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

Council Member Markert stated she could not support the proposal because the citizens have been asked to conserve and have obliged. It was time to call upon the Water Department to demonstrate the same conservation and efficiency in managing the money citizens are paying for water and wastewater services. Citizens need to see the entire rate increase proposal and a full staffing plan should be in place for both the operation of the existing system, and the addition of the Prairies Water Project and both its construction and operation costs. Partners should be solicited in the Prairies Water Project to help pay for the system. She suggested it would be more prudent to support a per month rate increase to fund the new water system for the duration of the project.

Council Member Beer stated he is in support of the ordinance, but agrees with the need for additional information. He is concerned with the size of the Prairie Waters Project, which will need a lot of oversight.

Council Member Broom stated water was in excess in the 1990's, but the City did not do any expanding of facilities for the future. He supports the increase.

Council Member Peterson stated an ideal world would provide enough water for all, but this is not the case. All other municipalities are in the same situation. She supports the increase for projects which will sustain water in the future.

Council Member FitzGerald stated an example of the effects from the drought was the Dam West and Dam East swimming pools were not filled in years past. The future must be considered and he supports the increase.

Council Member Frazier stated he supports the ordinance. Increases are tough, but tough decisions are necessary to protect Aurora's future. Growth will always happen, and the City must be ready.

VOTE ON MAIN MOTION, AS AMENDED

Passed: 7-1

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

Voting No: Markert

12. **PLANNING MATTERS**

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, for Initial Zoning to E-470 Recreation/ Entertainment Sub-area of a parcel of land generally located on the Southwest corner of Harvest Road and Belleview, City of Aurora, County of Arapahoe, State of Colorado and amending the Aurora Zoning Map accordingly. (Cherry Creek School District Arapahoe Park Campus) 136.0 acres. (Case Number 2005-1003-00).

Edward Arnold, Planning Department, gave a brief summary of the item. This property will be used for a middle school, high school, and bus maintenance facility, with no commercial or industrial uses. No neighborhood referral cards were returned. This property is close to the old Lowry bombing range, but the land will be cleared prior to breaking ground. Staff recommends approval for the Initial Zoning of this parcel of land. The applicant was present to answer any questions.

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

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

- b. PUBLIC HEARING and consideration of a CONDITIONAL USE due to a change of ownership for a motorcycle parts and accessories business generally located one quarter mile West of Peoria and North of Parker. (High Desert Motorcycle at Parker Station) (Case Number 1978-6013-04).

Peter Kernkamp, Planning Department, gave a brief summary of the item. The original applicant is no longer in business, but the current owner has agreed to the conditions. Code Enforcement found no violations at the business prior to the Planning Commission public hearing. Staff recommends approval of the conditional use.

Chris M. Ferren, 950 South Cimarron Way, #J303, Aurora, Colorado, 80012, 720-277-7983, the business owner, noted any concerns raised by the Planning Commission were addressed immediately upon approval. He wants to be a good neighbor and good citizen.

Mayor Tauer stated this conditional use was tied to the owner and any new property owners would be required to return to the Planning Commission for approval and it may or may not be called up at that time by City Council. He asked Mr. Ferren if he was amenable to that condition of approval. Mr. Ferren stated he was not because he saw the conditional use as an asset to his business and felt it might injure his ability to sell his business. Mayor Tauer asked Mr. Ferren if he was aware of that condition. Mr. Ferren agreed he was.

Council Member Markert stated she counted at least seven bikes on the floor when she visited the site today. Mr. Ferren pointed out that concern was addressed at the Planning Commission meeting. He did not have enough room on his site to contain everything inside the service department. He has limited space and did his best to utilize his space. Council Member Markert asked how many bikes were parked in the rear of the site. Mr. Ferren stated four or five.

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Council Member Peterson stated it was not unusual to see several bikes parked in and around a bike store.

Council Member Beer asked Mr. Ferren if had any relationship with High Desert Motorcycles, Inc or those who managed or owned that business. Mr. Ferren was acquainted with the previous owner who was supportive of his business.

Council Member Pierce wanted to know why the conditional use did not run with the land. Mr. Kernkamp stated it was requested by a neighborhood group in the original application and the Planning Commission decided to retain that restriction.

Mayor Tauer suggested an individual applicant was key to a conditional use. He asked staff if the intent behind approval of condition 5 was to limit sales or to limit the total number of motorcycles in the showroom. Mr. Kernkamp stated it was to limit 7 motorcycles for sale. Mayor Tauer asked if staff felt that condition was appropriate. Mr. Kernkamp suggested it would be helpful to change the wording to state, "*No more than seven motorcycles for sale shall be on display in the showroom.*"

Council Member Peterson asked why the applicant was limited in the amount of motorcycles he could park in his building. Mr. Kernkamp stated that was also a part of the original approval and was added to prevent this site from becoming a motorcycle sales lot. Council Member Peterson suggested limiting the applicant's business would prevent him from prospering.

Council Member Markert explained the application is for parts and accessories and not a dealership or repair shop so what is being limited is outside the scope of that.

Lori Flanagan, 2047 South Ironton Court, Aurora, Colorado, 80014, representing the Havana Heights Homeowner's Association, did participate in and supported the original use approval for this application but was opposed to this application. She displayed photographs she took demonstrating several Code Enforcement issues she recognized on the site. She would like to see the Conditional Use run with the owner, the dumpster area enclosed, the window signs reduced, the trailers removed from the lot, and continued limitations of the conditional use as originally approved.

Mr. Ferren noted some of Ms. Flanagan's pictures were taken out of context, and confirmed all the issues raised by Ms. Flanagan have been addressed at this time. He takes his business very seriously and has no problem adhering to any requirements set forth by the City. All trailers are tagged, licensed and parked legally. He did not feel his signs were larger than allowed. The dumpster is the responsibility of the Management Company.

Mayor Tauer asked if trailers are allowed behind the building. Mr. Kernkamp stated he was not aware of any prohibitions, provided they were licensed. Mayor Tauer stated the applicant will need to adhere to the conditions, and he asked Ron Miller, City Manager, to have Code Enforcement verify if trailers are allowed.

Council Member Pierce stated he will support the Conditional Use, as Mr. Ferrin seems sincere, and has made efforts to address the issues.

Council Member Markert stated she appreciates Mr. Ferrin coming to address the situation, and hopes he is sincere with his promise to comply.

- ◆ ***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 Peterson, second by Pierce, to approve the Conditional Use for item 12b.

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

- c. PUBLIC HEARING and consideration of a HEIGHT WAIVER to add a 140-foot communications tower at the Aurora Water Recycling Plant generally located West of 30th Avenue, South of 33rd Avenue. (SCADA WAN Radio Tower at Aurora Water Recycling Plant) (Case Number 1999-6006-00).

Stephen Rodriguez, Planning Department, gave a brief summary of the item. The applicant, Aurora Water, is proposing to construct a 140-foot freestanding communications tower and supporting equipment building at the existing Aurora Water Recycling Plant. One neighborhood referral card was returned in support of the proposal. Planning Commission unanimously approved the height waiver, and staff recommends approval.

Council Member Broom asked if there are any plans to expand the plant. Tim Smith, 20533 East Girard Drive, Aurora, Colorado, 80016, 303-617-9225, Manager of Water Treatment for the City of Aurora Water Department, stated there were no current plans to expand this site but the location of the tower was determined to allow any future expansion if any were ever proposed.

Council Member Beer stated that wireless carriers try to get approval from Municipal sites to use towers, and asked what the City's position is regarding this facility. Mr. Smith stated this tower will be used for Aurora Water and Public Safety purposes only. No outside uses will be allowed.

Motion by Peterson, second by Pierce, to approve the Height Waiver for item 12c.

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

13. **RECONSIDERATIONS AND CALL-UPS**

None.

14. **GENERAL BUSINESS**

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

Motion by Pierce, second by Markert, to appoint Beryl Williams to the Judicial Performance Commission.

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

- b. Consideration to reappoint one incumbent member to a three-year term on the Historic Preservation Commission.

Motion by Markert, second by FitzGerald, to reappoint Carl Loescher to the Historic Preservation Commission.

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

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

Motion by Sandstrom, second by Beer, to reappoint Brittany Gonzales to the Aurora Youth Commission.

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

15. **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 reported BJ's Restaurant located at the corner of Sable and Alameda, as well as the Southlands shopping center opened this weekend, and suggested people stop in both locations to eat and shop. He commended the residents of Heather Ridge for the Rally they held last weekend and wished them well in November. He encouraged everyone to exercise their rights and vote.

- b. Reports by the Council

Council Member Peterson reported the Free Flu Shot Clinic would take place Wednesday, November 1, 2006, at the MLK Library located at 9898 East Colfax Avenue. Children ages 10 to 17 must be accompanied by an adult and any participants who have trouble standing could go to the front of the line.

Council Member Markert announced two vacancies on the Cultural Affairs Commission. She pointed out the Aurora Sentinel attended the Rally at the Ridge for the Heather Ridge Metro District Campaign and noted the picture displayed was wonderful but the caption stating there was an effort for the Metro District to purchase the golf course was erroneous. She was chosen as the Champion Warrior for the Heather Ridge Metro District Campaign and encouraged those living in that area to support the formation of the Metro District. She announced her Ward IV town meeting will be Thursday at the Life Care Center at 7:00 p.m.

Council Member Pierce announced two vacancies on the Veteran's Affairs Commission.

Council Member Frazier reported many City departments were privileged to participate in an exercise last week where they tested the City of Aurora Emergency Operations Plan. It demonstrated how staff worked together in the case of an emergency, and how they respond and recover in the case of a disaster. Members of the Public Safety Committee recognized the great performance and outcome of the City employees' efforts.

Council Member Broom expressed his appreciation to City staff for their efforts in supporting the opening of the Southlands shopping center. Southlands is the largest mall in Colorado and those interested should visit the facility. He announced one vacancy for a Structural Design Engineer on the Building Code and Contractors Appeals and Standards Board, and nine youth vacancies on the Aurora Youth Commission.

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Council Member Sandstrom announced three vacancies for the Aurora Fox Arts Center Board. She also encouraged those residents living along Heather Ridge to vote in favor of forming the Metro District. She commended the United Associations at Heather Ridge group for stepping up and taking control of a situation in their neighborhood to maintain their property values. She congratulated the Aurora Mental Health Center on their award from the Colorado Division of Mental Health where they were recognized as the Best Community Mental Health Center in the state.

Council Member Beer announced his Ward III town meeting is scheduled for Thursday, October 26, 2006 at 7:30 p.m. in the Aurora Room at the Aurora Municipal Center. The featured speaker would be the new Superintendent of Aurora Public School, John Berry. He announced one vacancy on the Citizen's Advisory Committee on Housing and Community Development. He reported early voting began today through Friday, November 3, 2006 at the Arapahoe County Services building at Centerpointe Plaza located at Alameda and Chambers and the Life Care Center at 14101 East Evans Avenue.

16. **PUBLIC INVITED TO BE HEARD**

None.

17. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 10:38 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

- ◆ *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.*