

MINUTES

Regular Meeting – Aurora City Council Monday, November 20, 2006

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 5:04 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

1. **RECONVENE REGULAR MEETING OF NOVEMBER 20, 2006 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:31 p.m.

2. **ROLL CALL**

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

3. **MOMENT OF SILENT REFLECTION**

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 13, 2006**

Council Member Markert noted the spelling of Hinkley High School was incorrect.

Motion by Pierce, second by Sandstrom, to approve the minutes of November 13, 2006, as amended.

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

Abstained: Frazier

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6. **CEREMONY**

Mayor Tauer invited Paula D. Sarlis and Robert A. Yetts, Sr. to come forward to accept the proclamation. Mayor Tauer read the proclamation declaring November as Veteran's Recognition Month. Each guest expressed their appreciation for the proclamation.

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

Shareef Aleem, 2278 Havana Street, Aurora, Colorado, 80012, 720-436-7606, representing the Aurora CopWatch Organization, which is an organization that respectfully and legally helps protect the rights of citizens who have had encounters with the police, addressed concerns related to the case of Loree McCormick-Rice and Sergeant Charles DeShazer of the Aurora Police Department. He alleged Sergeant DeShazer attacked Ms. McCormick-Rice and her daughter at a King Soopers on June 17th, 2006. He demanded the City of Aurora take this matter seriously and requested an independent investigation into the City of Aurora Police's actions be conducted. He noted the public should be permitted to attend the Discipline Review Board meeting so they can feel assured the City is looking out for their best interests and not just the interests of the Police Department.

Anthony Yenason, 1145 Santa Fe Drive, Denver, Colorado, 80204, representing Denver CopWatch Organization, which performs the same duties as the Aurora CopWatch Organization, stated that any police brutality case should be reviewed and mitigated to the best of the City's ability, especially those that are racially motivated. It is important that the police are fair citizens and not racists. He called for a review of Sergeant DeShazer's validation as an officer.

Loree McCormick-Rice, 550 Alton Way, asked Council to investigate the brutal attack on herself and her daughter, Cassidy, on June 17, 2006 of this year by Sergeant DeShazer. She related details of the attack.

Duane Spivey, 12175 Albrook Drive, #1306, Denver, Colorado, 80239, discussed the attack on Loree McCormick-Rice and her daughter. He suggested the police officer involved took matters into his own hands and acted dishonorably. He asked Council to view the King Soopers DVD of the incident. He related further details of the attack.

Leo Refuerzo, 4931 St. Paul Street, Denver, Colorado, 80216, 303-292-3875, expressed concerns related to the attack Loree McCormick-Rice and her daughter. He stated this was an act of police brutality of which he has been a victim and a witness. Police officers who engage in this activity put themselves above the law and do not adhere to the respect and dignity that should be afforded to all people. The Police Department has an Internal Affairs Department that does not heed the concerns of the people. It is time for a change. He suggested the City create a Citizen's Oversight Board that was governed by citizens and not the Police Department to oversee these concerns. The incident with Ms. McCormick was captured on video and should be viewed by Council. He suggested the police officer involved should not be allowed to continue working as a police officer.

Tyriek Lyons, 1375 Jasmine Street, Denver, Colorado, 80220, 720-435-0676, stated he too was a victim of police harassment. The incident took place on October 16, 2006 at 1:22 p.m. at the Pilot Wendy's located on Vasquez and I-70. He related details of the incident.

Council Member Beer asked if the incident described involved City of Aurora Police officers. Mr. Lyons answered no, noting he was relating his experience with police brutality.

Tom Tobiassen, 3543 South Helena Way, Aurora, Colorado, 80013, 303-677-3948, representing Bicycle Aurora, which is a club that works to improve and promote bicycle safety in the City of Aurora, related the events at a recent meeting held for cyclists from the Fitzsimons campus to determine how to improve bicycle safety at that location.

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Michelle Kerklo, 14675 East Walsh Drive, Aurora, Colorado, 80012, 720-290-0985, gave a brief summary of the results of a survey taken by the attendees of the Fitzsimons campus bike riders meeting. The top two topics of concern were easier street crossings in the City and safer bike riding zones on campus and the bottom two topics of concern were having public transportation closer to home and needing trail and route information. Overall the meeting was a success.

Mayor Tauer expressed his appreciation for Bicycle Aurora's efforts in this regard, and stated his understanding that building roads with bike paths and bike lanes going to and from campus were the major concerns determined at the meeting. He asked if Bicycle Aurora also met with University of Colorado representatives. Ms. Kerklo listed all those invited to the meeting.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

General Business

- a. Consideration to APPROVE the 2007 City Council Meeting Calendar. STAFF SOURCE: Janice Napper, Assistant City Manager
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Correctional Healthcare Management Inc., Englewood, Colorado in the amount of \$386,724.00 for correctional healthcare services through December 31, 2007. STAFF SOURCE: Zelda DeBoyes, Court Administrator
- f. Consideration to AWARD A SINGLE SOURCE CONTRACT to Factory Surplus Distributors, Denver, Colorado in the not-to-exceed amount of \$84,000.00 for miscellaneous hardware supplies through October 2007. STAFF SOURCE: Mark Donelson, Water Services Supervisor, Aurora, Water; Tom Barrett, Manager, Park Operation & Management.

Motion by Wallace, second by Markert, to approve items 9a, d and f.

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

- b. Consideration to AWARD A SINGLE SOURCE CONTACT to Nicoletti-Flater Associates, Lakewood, Colorado in the amount of \$79,460.00 for police psychological counseling services through December 31, 2007. STAFF SOURCE: Terry Jones, Deputy Chief of Police

Council Member Wallace asked if this item was sent out for bid. Terry Jones, Deputy Chief of Police, answered no. He stated this group has been with the Police Department since the early 1990s and has been well-received. Council Member Wallace asked if there was a great use for this service. Deputy Chief Jones confirmed there was.

Motion by Wallace, second by Markert, to approve items 9b.

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

- c. Consideration to AWARD A SOLE SOURCE CONTRACT to the Medical Center of Aurora, Colorado in the amount of \$56,500.00 for sexual assault examinations through December 31, 2007. STAFF SOURCE: Terry Jones, Deputy Chief of Police

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Council Member Wallace asked if this facility was chosen due to its proximity in the City. Deputy Chief Jones answered affirmatively, noting this facility has historically worked with the City on their sexual assault cases.

Motion by Wallace, second by Hogan, to approve items 9c.

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

- e. Consideration to AWARD SINGLE SOURCE CONTRACTS in the combined total not-to-exceed amount of \$122,000.00 to Colorado Petroleum Products of Denver, Colorado and Rex Oil Company of Lyons, Colorado to cover the cost of motor vehicle fuel for the City's golf courses as required for 2007. STAFF SOURCE: Dennis Lyon, Manager, Golf

Mayor Tauer related there was a joint fuel agreement for Denver and Aurora. He noted this was a separate agreement not with the same contractor. He asked Dennis Lyon, Manager, Golf, to explain why the same contractor was not used. Mr. Lyon explained that contractor wanted to deliver tanker loads and the golf courses use small above ground tanks that could not be serviced by the large trucks.

Motion by Mayor Tauer, second by Peterson, to approve items 9e.

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

10. **RESOLUTIONS**

- a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, approving the Second Revival and Amendatory Intergovernmental Agreement between the Cities of Aurora and Denver regarding the Rocky Mountain Fire Academy. STAFF SOURCE: Casey Jones, Fire Chief

Motion by Sandstrom, second by Wallace, to approve items 10a.

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

11. **ORDINANCES FOR INTRODUCTION**

- a. Consideration of an ANNEXATION AGREEMENT between the City of Aurora and PCCP CS Alberta CornerStar Colorado LLC regarding a parcel of land located in the North half of Section 29, Township 5 South, Range 66 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado (CornerStar). STAFF SOURCE: Scott VanGenderen, Project Manager, Development Assistance

Mayor Tauer noted this took a few small parcels located at the Southwest corner of the Parker/Arapahoe interchange that had not yet been annexed into the City, to be annexed at this time. This allowed all of the land under a single ownership to be zoned within the City of Aurora. Scott VanGenderen, Project Manager, Development Assistance, agreed this prepared for the CornerStar GDP.

Motion by Hogan, second by Pierce, to approve item 11a.

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

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- b. Consideration of an ORDINANCE FOR FINAL 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. **Ordinance 2006-63, Introduced 10-0 at the October 6, 2006 City Council meeting.** STAFF SOURCE: Scott VanGenderen, Project Manager, Development Assistance

Motion by Hogan, second by Pierce, to approve item 11b.

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

- c. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, for initial zoning on one out parcel of 3.34 acres of land generally located on the Southwest corner of the intersection of Arapahoe and Parker Roads, City of Aurora, County of Arapahoe, State of Colorado to Planned Development and amending the Aurora zoning map accordingly (CornerStar). **(Case Numbers 2006-2005-00, 2006-2005-01m 2006-2005-02) Approved 5-0, (Harding and Witt absent) at the October 11, 2006 Planning Commission meeting. Ordinance 2006-67, Introduced 9-0 at the October 30, 2006 City Council meeting.** STAFF SOURCE: Michael Smyth, Planning

Motion by Hogan, second by Pierce, to approve item 11c.

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

- d. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, for the rezoning of 69.079 acres of land generally located on the Southwest corner of the intersection of Arapahoe and Parker Roads, City of Aurora, County of Arapahoe, State of Colorado to Planned Development and amending the Aurora zoning map accordingly (CornerStar). **(Case Number 2006-2005-01) Approved 5-0, (Harding and Witt absent) at the October 11, 2006 Planning Commission meeting. Ordinance 2006-68, Introduced 9-0 at the October 30, 2006 City Council meeting.** STAFF SOURCE: Michael Smyth, Planning

Motion by Broom, second by Sandstrom, to approve item 11d.

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

- e. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, for the rezoning of 52.71 acres of land generally located on the Southwest corner of the intersection of Arapahoe and Parker Roads, City of Aurora, County of Arapahoe, State of Colorado to Planned Development and amending the Aurora zoning map accordingly (CornerStar). **(Case Number 2006-2005-01) Approved 5-0, (Harding and Witt absent) at the October 11, 2006 Planning Commission meeting. Ordinance 2006-69, Introduced 9-0 at the October 30, 2006 City Council meeting.** STAFF SOURCE: Michael Smyth, Planning

Motion by Broom, second by Markert, to approve item 11e.

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

- f. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, for the rezoning of 32.69 acres of land generally located on the Southwest corner of the intersection of Arapahoe and Parker Roads, City of Aurora, County of Arapahoe, State of Colorado to Planned Development and amending the Aurora zoning

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map accordingly (CornerStar). **(Case Number 2006-2005-01) Approved 5-0, (Harding and Witt absent) at the October 11, 2006 Planning Commission meeting. Ordinance 2006-70, Introduced 9-0 at the October 30, 2006 City Council meeting.** STAFF SOURCE: Michael Smyth, Planning

Motion by Broom, second by Markert, to approve item 11f.

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

- g. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, adapting a General Development Plan for mixed-use development of 157.78 acres of land generally located on the Southwest corner of the intersection of Arapahoe and Parker Roads, City of Aurora, County of Arapahoe, State of Colorado to Planned Development and amending the Aurora zoning map accordingly (CornerStar). **(Case Number 2006-2005-01) Approved 5-0, (Harding and Witt absent) at the October 11, 2006 Planning Commission meeting. Ordinance 2006-71, Introduced 9-0 at the October 30, 2006 City Council meeting.** STAFF SOURCE: Michael Smyth, Planning

Council Member Broom noted serious drainage concerns were raised when this item was initially brought forward. He asked if those issues have been mitigated at this time. Scott VanGenderen, Project Manager, Development Assistance, stated the concerns were ongoing but would be resolved prior to site plan approval.

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

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

12. ORDINANCES FOR FINAL

- h. PUBLIC HEARING and consideration of an ORDINANCE FOR FINAL approving an Annexation Agreement between the City of Aurora, Colorado, and Beth Israel Foundation for the Aged, creating a vested property right pursuant to Article 68 of Title 24, C.R.S. for 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 more or less. **Ordinance 2006-72, Introduced 9-0 at the October 30, 2006 City Council meeting.** STAFF SOURCE: Scott VanGenderen, Project Manager, Development Assistance

Scott VanGenderen, Project Manager, Development Assistance, gave a brief summary of the item.

Motion by Broom, second by Pierce, to approve item 12h.

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

13. GENERAL BUSINESS

- a. Consideration to Elect a Mayor Pro Tem to a one-year term. STAFF SOURCE: Mayor Tauer, Janice Napper, Assistant City Manager

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Motion by Sandstrom, second by Markert, to elect Brad Pierce as Mayor Pro Tem to a one-year term.

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

- b. Consideration to appoint one new member to a three-year term on the Veterans' Affairs Commission. STAFF SOURCE: Janice Napper, Assistant City Manager

Motion by Beer, second by Wallace, to appoint Pamela Bennett to a three-year term on the Veterans' Affairs Commission.

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

17. 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 noted Council has often related vacancies on various Boards and Commissions and would no longer do so. In the future, those vacancies would scroll across the bottom of the screen. He encouraged those who wish to be involved in the City of Aurora to look into serving on a Board or Committee that interested them. He noted children will be out of school over the Thanksgiving week and cautioned everyone to be aware of their presence in the community. He wished everyone a happy Thanksgiving.

- b. Reports by the Council

Council Member Beer noted the monthly Ward III Town Meeting would take place Tuesday night in the Aurora Room. Council Member Pierce will be giving a presentation on how residents can effectively represent their neighborhood on a zoning matter. He asked those who wished to attend to please bring canned or dry food to be collected for the Comitis Crisis Center. He wished everyone a happy Thanksgiving.

Council Member Sandstrom wished everyone a happy Thanksgiving. There is much to be thankful for in our city, state and country. She also wished a happy 57th wedding anniversary to her parents.

Council Member Frazier wished everyone a happy Thanksgiving.

Council Member Pierce cautioned a test of the outside warning sirens would take place tomorrow and noted there was no reason for alarm. He related the events at the ribbon cutting at the Nine Mile Station and other Light Rail stations commemorating the opening of the Light Rail. He encouraged everyone to give riding the Light Rail a try.

Council Member Markert expressed her appreciation to Mayor Tauer and Mayor Pro Tem Pierce for hosting her Town Meeting. The City has a Thanksgiving tradition of Huff And Puff Before You Stuff at Beck Recreation Center and donations of canned items are welcome. She mentioned two important meetings would take place on Tuesday, November 28, the Asian Pacific

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Partnership is celebrating their anniversary at a local restaurant, and John L. Barry, Superintendent of Aurora Public Schools, would hold a meeting at Tuscany Valley where he will discuss his Vista Plan for the transformation of the Aurora Public School District.

Council Member Peterson acknowledged all those who serve on City of Aurora Boards and Commissions and expressed her appreciation. She noted the Public Safety Committee is a citizen board that oversees the protection of Aurora's citizens.

18. **PUBLIC INVITED TO BE HEARD**

None.

19. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:34 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk