

MINUTES

Regular Meeting – Aurora City Council Monday, December 4, 2006

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:20 p.m.

ROLL CALL

PRESIDING:	Mayor Tauer
COUNCIL MEMBERS PRESENT:	Broom, FitzGerald, 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:	Beer, Frazier, Sandstrom

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 Markert, to recess to Executive Session.

Voting Aye: Mayor Tauer, Broom, FitzGerald, Markert, Peterson, Pierce

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

1. RECONVENE REGULAR MEETING OF DECEMBER 4, 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, Markert, Peterson, Pierce, Sandstrom
COUNCIL MEMBER ABSENT:	Hogan, Wallace
OFFICIALS PRESENT:	City Manager Miller, City Attorney Richardson, City Clerk Johnson

3. MOMENT OF SILENCE

4. PLEDGE OF ALLEGIANCE TO THE FLAG

5. APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 20, 2006

Motion by Markert, second by Pierce, to approve the minutes of November 20, 2006 as presented.

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

Abstained: Fitzgerald

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 Boards and Commission members – Presiding Judge Richard Weinberg

<u>Name</u>	<u>Board or Commission</u>
Derrick Barnett	Business Advisory Board
Beryl Williams	Judicial Performance Commission

Presiding Judge Richard Weinberg administered the oath of office to the members of each board or commission. Mayor Tauer and City Council congratulated them and thanked them for their service to Aurora.

- b. Presentation to Aurora Water from the Rocky Mountain Water Environment Association – Mayor Edward J. Tauer

Mayor Tauer invited Jennifer Hartfelder, President of Rocky Mountain Water Education Association, to come forward to present an award to Aurora Water’s Operations Challenge Team (Ed Choury, Jason Lee, Leah O’Connor, Kevin Amann). Each guest expressed appreciation for the award.

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

None.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with item 11b added to the agenda.

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

General Business

- a. Consideration to SET Regular Council Meetings at 7:30 p.m., APPROVE location for public posting of agenda at East entryway to City Hall, 15151 East Alameda Parkway.
- b. Consideration to APPROVE revised Council Rules of Order and Procedure/Mayor’s Award.
- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Public Safety Warehouse, Aurora, Colorado in the not-to-exceed amount of \$385,950.00 for Police uniforms and tailoring services for 2007.
- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to KB Construction Inc., Elizabeth, Colorado, in the amount of \$53,858.00 for the construction of the Springhill Golf Course Lake Lining Project, Project Number 5105A.

Motion by Beer, second by Pierce, to approve items 9a, b, d, e.

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

- c. Consideration to AWARD A SINGLE SOURCE CONTRACT to National Meter and Automation, Inc., Greenwood Village, Colorado in the not-to-exceed amount of \$2,538,587.00 for the purchase and installation of Badger water meters for 2007.

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

Council Member Beer asked Dan Mikesell, Manager of Water Services for Aurora Water, for a general description of the water meter program and what this particular item would mean to consumers. Mr. Mikesell said the new program is automatic reading and allows for multiple meter readings at once, ultimately reducing the labor involved in meter reading.

Council Member Beer then asked how many times they expected to go to a customer's home and replace the meters in 2007 and if there was a cost implication. Mr. Mikesell stated they anticipated to visit roughly 12,000 meters and it would not have any cost implications, because it is part of the operating budget.

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

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

Final Ordinances

- ◆ f. Consideration of an ORDINANCE FOR FINAL rezoning a parcel of land generally located between South Vaughn Way and South Xanadu Way, South of Asbury Drive and North of I-225, City of Aurora, County of Arapahoe, State of Colorado, from R-2 to Planned Development-Mixed Use and Planned Development-Golf Course, and amending the Aurora Zoning Map accordingly (Heather Ridge Golf Club Redevelopment) 91.98 acres. (Case Number 2006-2008-00)
- ◆ g. Consideration of an ORDINANCE FOR FINAL adopting a General Development Plan for certain parcels of land generally located between South Vaughn Way and South Xanadu Way, South of Asbury Drive and North of I-225, City of Aurora, County of Arapahoe, State of Colorado, consisting of 91.98 acres (Heather Ridge Golf Club Redevelopment). (Case Number 2006-2008-00)

Motion by Markert, second by Sandstrom, to approve items 9f, g.

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, ratifying the submission of an invoice by the City Manager to the Aurora Urban Renewal Authority for \$400,000 in expenses expected to be incurred by the City with regard to the Municipal Office Building Project.

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

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

- ◆ b. Consideration to APPROVE A RESOLUTION ratifying the previous intent of the City of Aurora, acting by and through its Utility Enterprise, to appropriate and put to beneficial use Rights of Exchange in the Arkansas River Basin and as necessary re-declaring the same.
- ◆ ***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 Broom, second by Beer, to approve item 10b, with a waiver of reconsideration.

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION amending Section 14-8 of the City Code of Aurora, Colorado, relating to animals.

Dr. Jeffrey M. Marmaru, 15154 East Wesley Avenue, Aurora, CO 80014, wanted to thank the Code Enforcement Committee, Council, and the Mayor for making the amendment. He felt the original intention of the ordinance was well intended, but it may have gone too far in one direction. He believes by allowing the extension of allowable snake lengths to six feet, it will allow for many harmless reptiles. Also, the other piece of the original ordinance prevented the use of many larger snake breeds, which are harmless and perfect for educational events usage.

Council Member Markert was curious to the use of snakes for educational use. Mr. Marmaru explained that he used snakes for both informal and semi-formal teaching events. He cited examples like; Boy and Girl Scouts, Church groups, and other various youth groups needing science presentations. He feels the students learn more with the use of snakes as ice-breakers in science education.

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

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

Voting Nay: Peterson, Broom

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION authorizing payments under an agreement for a series of option purchases of several water storage vessels, along with the adjacent and surrounding real property and certain appurtenant real property rights, between L. G. Everist and the City of Aurora, Colorado, acting by and through its utility enterprise, for an amount not to exceed thirty million dollars.

Motion by Fitzgerald, second by Beer, to introduce item 11b.

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

12. **PLANNING MATTERS**

- a. PUBLIC HEARING to consider a Site Plan for a RTD Bus Transfer Facility generally located at the Northeast corner of Sable and Centrepoint Drive (14555 East Centrepoint Drive). (Case Number 2006-6031-00)

Ms. Gretchen Armijo, Planning Department, explained that this RTD Bus Transfer Facility Site Plan application was denied by the planning commission by a vote of 2-4 at the October 25, 2006 Planning Commission Meeting. The three reasons being: lack of an onsite drop-off area, inadequate pedestrian connections, and inadequate bus shelters. Ms. Armijo then went on to explain what RTD has proposed as solutions for these three issues. All drainage and landscaping issues were resolved. Staff recommends approval of this site plan as outlined.

Council Member Fitzgerald asked for a description of how the light rail and transfer facility would interact together. Ms. Armijo stated that the two facilities are intended to be adjacent to each other. The light rail will have separate and distinct waiting areas.

- ◆ *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 stated that this facility is in fact intended to be a transfer facility, but space will be made available for drop-off anyway. Ms. Armijo reminded Council that RTD is offering the standard bus shelters.

Elena Vossman, 1101 Bannock Street, Denver, CO 80204, representing RTD, mentioned that there were RTD engineers available for questions, and then she thanked Council for their time. She spoke of the three reasons for the site plan's previous denial. She began by reminding Council how this construction is a phased project and that the site plan's Phase I will have a drop-off, and future phases included parking structures and light rail transit. This transfer facility will improve on the current facility near the mall, and will ultimately be safer due to the enclosed nature of the site plan. Regarding the shelters, they will be using the new standard shelter, which are weather and vandal proof. They also have piping for future multi-mobile cameras if safety was ever an issue. Other additions include trash receptacles, benches, drive release station, 18" inches pedestrian wall, pedestrian lighting and enhanced landscaping. As for pedestrian connectivity, they have improved the sidewalks and added more paths and bike racks. Several segments along the pedestrian wall have been left open for future connections.

Council Member Beer stated his general comfort in the aesthetics with the Phase I plan, however, he had issues with the integration with the overall performance with the Centepoint property. Council Member Beer asked about the time frame for the construction of the Phase II plan. Ms. Vossman stated that RTD was anticipating submission of the plan in early 2007. Future phases are waiting on completion of the Environmental Impact Study (EIS).

Stan Szabelak, RTD Civil Engineer Project Manager, 1560 Broadway, Denver, CO 80202, stated the time frame for the EIS completion should be between 2010 and 2012. The completion of the entire FastTrac program is expected by 2017.

Council Member Beer mentioned RTD's back tracking from their original plan of building a light rail station by hiding behind the excuse of EIS. Ms. Vossman stated on behalf of RTD their commitment to build a light rail station off of Sable.

Council Member Markert expressed her concern regarding the master plan and sketch pack plan and what RTD had promised. She said RTD initially proposed standard benches and later agreed to offer the benches and trash enclosures shown in the master plan, however they ultimately proposed to offer the standard bus shelters and not the custom ones from the master plan. Ms. Vossman stated that there were no designated shelters in the master plan, but they did adopt the lighting, trash receptacles, benches and different elements of signage from the sketch pack. There were not any shelters in the master plan, so RTD took as much as they could from the sketch pack, which shows seven custom RTD shelters. The shelters proposed now are the newest RTD standard shelters. Council Member Markert then asked about the isolation of the transfer station. Ms. Vossman responded with a stand-check study during peak hours checking passenger transfers, which showed only one person of 78 actually parking a vehicle near the location. The hope is that this line is the connecting line and not the drop-off line. Council Member Markert expressed her dislike of the current setup and the lack of sensitivity to safety to the proposed facility.

Council Member Beer asked if it was fair to say that for bus riders to use the Town Center as a park and ride is sort of incidental to the purpose of this transfer station and the ownership of the Town Center may not want to be used as a park and ride. Ms. Vossman stated RTD plans to accommodate for future parking, but currently RTD does not anticipate high demand for parking, because the facility is intended as a bus transfer facility. Council Member Beer then asked if there was communication between the project team and how bus riders use the Town Center property today.

Jesse Carter, RTD Service Planning Manager, 7202 South Park Court, Denver, CO, responded to Council Member Markert's concerns by noting the use of the facility as a transfer station and not a park and ride. Mr. Carter listed several bus lines that use the service solely for transferring,

- ◆ ***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.***

which are directed to those commuters who are transit dependent and rely on public transportation to get around. Mr. Carter responded to Council Member Beer's question by saying the ownership of the Town Center was not happy with the current use of their parking lot on Alameda, and would like to see it moved away, which is exactly what this site plan will do.

Council Member Beer asked if all the routes that currently stopped near the Town Center will continue to stop at the transfer station. Mr. Carter stated that actually more service will be provided. Many misconceptions are that there has been a reduction of service to the City of Aurora, but in reality, several bus lines have been renamed and still continue to serve the southeast corridor with lots of expansion. Council Member Beer asked what RTD has done to communicate the changes related to the new transfer station location to regular riders. Mr. Carter answered by stating they have held 14 public hearings beginning in August 2005, as well as direct mailings. This has been the most difficult task for RTD in the southeast corridor, as it is the largest change since 1978.

Mayor Tauer asked if phase I was simply moving the current operation near the Town Center to a larger and safer location, and that the future planned phases are to expand that facility and integrate the light rail with parking and more space. Ms. Vossman stated this is the intended plan.

Walter Irvine, 14901 East Gill Avenue Unit H, Aurora, CO 80012, wanted to speak in favor of the plan due to the current situation; being the lesser of two evils. Mr. Irvine feels the current area is dangerous to pedestrians and hopes this item is approved in order to alleviate the present mess. Mr. Irvine also spoke of a temporary blinding light that faces traffic. In addition, Mr. Irvine is curious to know who is in charge of litter patrol, because there is excessive trash. Council Member Frazier confirmed the blinding light.

Barbara Yamrick, RTD Director, 2227 South Buckley Road #102, Aurora, CO 80013, spoke in favor of the items approval. Ms. Yamrick spoke of three major problems that are caused by the current site near the Town Center, traffic congestion and bus congestions, and opportunity for theft. She stated that this new site plan is about future connectivity, smoother transportation, and improving the current mess.

Bill McMullen, RTD Director, 9105 East Lehigh Avenue #53, Denver, CO 80237, thanked Council and the Mayor and then stated the importance and vision behind the transfer facility. Mr. McMullen thanked many players in the history of the process, and reminded Council about the multi-phase project and the needed EIS process. He ended by confirming his commitment in making it work and getting public transit moving and eventually improving the economy. Council Member Broom wanted to thank RTD and the state highway department on their previous undertakings with TREX, which is evidence that they will finish the project and it will work.

Council Member Frazier thanked the RTD directors for coming out.

Mr. McMullen spoke briefly on the standardized bus shelters, and how they have tugged and pulled to create efficient and budget friendly designs.

Council Member Pierce commented on Mr. Irvine's complaint about the light and trash.

Mayor Tauer asked the RTD panel who was responsible for trash cleanup and removing the blinding temporary light. Mr. Szabelak answered by stating they will increase the patrolling and cleanup of their areas, and the blinding light will be taken down once the permanent street lights are put in place. Mayor Tauer then asked if in the mean time the angle of the light could be directed another way in order to prevent accidents. Mr. Szabelak agreed to alter the angle within the next few weeks. Council Member Beer then asked if the permanent lighting plan was expected to be down cast lighting or something else. Ms. Vossman responded by saying pedestrian style lighting consistent with the master plan would be used, and taller lights in the

- ◆ ***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.***

two bus parking locations. Council Member Beer asked if the no parking signs mentioned by Mr. Irvine would be posted. Staff stated they were committed to putting up the proper signage to prevent creating a parking lot on the street.

Council Member Markert stated although she would vote in favor, she feels the extra time could be used to figure out a way to make better plans.

Council Member Peterson stated that she feels uneasy with the absence of parking in the presented site plan, and hopes that future planning will have ample parking.

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

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

13. **ANNEXATIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION finding a petition for annexation of a parcel of land located in Section 27 and a portion of the Southeast quarter of Section 28 and a portion of the North half of Section 34, Township 4 South, Range 65 West of the Sixth 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 (Cottonwood Creek Investors, LLC) 683.524 acres.

Council Member Markert asked how many homes this will represent and how many new residents it will add to the city.

Mark Geyer, Project Manager, Development Assistance stated the annexation will add roughly 2,000 residential units and is unsure about plans for commercial development. This project will be the finishing piece or missing corner of the City of Aurora on the eastern portion south of I-70.

Council Member Broom stated he would like an analysis done, breaking down the cost of water taps for the projected 2,000 units, the cost of 1000 feet more of water, and the cost of potential capital improvements in order to service this area.

Council Member Beer stated he would vote in favor now because this is merely the first stage of the process and there will be time for many more questions along the way.

Council Member Markert stated that she does not like the first step of the process.

Motion by Peterson, second by Fitzgerald, to approve item 13a.

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

Voting Nay: Markert

14. **RECONSIDERATIONS AND CALL-UPS**

None.

15. **GENERAL BUSINESS**

None.

- ◆ *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.*

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 wanted to congratulate the winner of the 7 News Hero Award, Aurora resident, Ms. Gladys Hoffman.

b. Reports by the Council

Council Member Markert wanted everyone to know that Tuesday, December 12, 2006 at 6:00 p.m., the Aurora Youth Commission invites all youth, ages 14-18, to meet in the Aurora Room and learn about what the Aurora Youth Commission does and enjoy good food and good activities.

Council Member Peterson wanted to invite the public to her Ward II Town Meeting on Monday, December 11, 2006, at 7:00 p.m. There will be a representative from the Buckley Air Force Base to speak about the projects taking place at Buckley. There will be food and drink.

17. **PUBLIC INVITED TO BE HEARD**

None.

18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 9:07 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.*