

## MINUTES

### Regular Meeting – Aurora City Council February 26, 2007

#### 1. CONVENE REGULAR MEETING OF FEBRUARY 26, 2007 AND CALL TO ORDER

Mayor Tauer convened the regular meeting of City Council at 7:31pm.

#### 2. ROLL CALL

PRESIDING: Mayor Tauer

COUNCIL PRESENT: Beer, Broom, Frazier, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

ABSENT: Fitzgerald

OFFICIALS PRESENT: Acting City Manager Hilton, 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 FEBRUARY 12, 2007

Motion by Markert, second by Hogan, to approve the minutes of February 12, 2007 as presented.

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

#### 6. CEREMONY

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

Todd McMahan, 16051 E. Loyolz Place, Aurora, CO 80013, 303-766 8425, spoke against a new pawn broker business relocating within the Mission Viejo Shopping Center. Mr. McMahan expressed an interest in potentially drafting legislation that would forbid pawn broker shops to exist within a specific radius of a school; insisting that the business attracts criminals. Mayor Tauer and Council entertained the proposal and Council Member Pierce noted that he had already begun to look into the situation. Staff will follow up with Mr. McMahan.

George Hailey, 11532 E. Colfax Avenue, Aurora, CO 80010, 303-367-9256, questioned the extra liability insurance coverage needed to receive a temporary sign permit. Mayor Tauer offered an option to work with Frank Ragan and staff in order to resolve the issue. Council Member Wallace extended her assistance in the matter.

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Francis Peter Maks, Jr., 9109 East 12th Avenue, Aurora, CO 80010, 303-344-2893, announced a volunteer organization called "Aurora Snow Shoveling." The organization would act as a free snow removal service for the elderly or disabled. His initial goal is to find 100 volunteers and later 250 volunteers for the organization. Mr. Maks called out Council Member Beer for helping shovel out an elderly trapped neighbor.

**8. ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

- c. Consideration to AWARD A SOLE SOURCE CONTRACT to L. L. Johnson Distributing Company, Denver, Colorado in the not-to-exceed amount of \$161,000.00 to cover the cost of Toro brand repair parts and services as required through February 2008.
- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Arrow-J Landscape & Design Inc., Denver, Colorado in the amount of \$864,248.71 for the construction of Country Lane Park, Project #5092A.
- f. Consideration to ACCEPT AN ASSIGNMENT OF A PURCHASE AGREEMENT to purchase 1298 acres, more or less, lying within portions of Sections 24 and 25, Township 3 South, Range 65 West of the 6th Principal Meridian and Sections 19 and 30, Township 3 South, Range 64 West of the 6th Principal Meridian, County of Adams, State of Colorado (Box Elder AZ).

Motion by Hogan, second by Markert, to approve items c, d, f.

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

- a. Consideration to APPROVE VARIOUS AMENDMENTS to the Council Rules of Order and Procedure for the Aurora City Council.

Council Member Sandstrom offered to make an amendment to page 8 where it states "the Mayor-Pro Tem should seek to accommodate" to read "the Mayor Pro-Tem may accommodate." The reason for the change is to leave the appointment of committees solely up to the discretion of the Mayor Pro-Tem; in addition the wording would agree with the duties of the Mayor Pro-Tem position.

Motion by Sandstrom, second by Peterson, to amend item 9a.

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

Motion by Sandstrom, second by Pierce, to approve item 9a, as amended

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

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- b. Consideration to APPROVE THE RECOMMENDATION to commission Tim Upham for a public art project at the Aurora Municipal Center.

Council Member Beer spoke of his disinterest in the design and noted he would be voting no. Council Member Peterson also expressed a disinterest, but solely due to the high, \$215,000, price tag. Peterson then spoke on behalf of the absent Council Member Fitzgerald and his wish to amend the recommendation if it were to move forward and ask for an additional \$20,000 to allow it to be a solar project.

Council Member Hogan asked staff if the project had the capabilities to become a solar project. Staff stated that with a grant and rebate program from Excel Energy, which they still may not qualify for, is however a functional option.

Mayor Tauer asked staff if it was better to amend the proposal tonight or create a new proposal and come back another meeting. Staff recommended the amendment be made tonight in order to put the artist under contract.

Council Member Hogan agreed with the additional funds, as long as the money was restricted to the specific purpose of making the design a solar project.

Motion by Hogan, second by Peterson, to amend item 9b.

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

Voting No: Wallace

Council Member Pierce asked staff when the new solar design would be ready for review. Staff stated the contract requires design specs within 90 days of signing.

Motion by Markert, second by Broom, to approve item 9b, as amended

Voting Aye: Broom, Frazier, Hogan, Markert, Pierce, Sandstrom

Voting No: Mayor Tauer, Beer, Peterson, Wallace

- e. Consideration to AWARD A SOLE SOURCE CONTRACT to Data Domain Inc., Santa Clara, California in the amount of \$158,000.00 to purchase a disk based data back-up system.

Council Member Pierce asked staff about the contracts \$158,000 length of time. Staff concluded that the contracts price includes the purchase of the technology and one year's maintenance. Pierce then asked if future contracts would be lower in price. Staff pointed out that the annual maintenance is usually 20% of the technology.

Motion by Pierce, second by Sandstrom, to approve item 9e.

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

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## 10. RESOLUTIONS

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement by and between the Urban Drainage Flood Control District ("District") and the City of Aurora, Colorado by and through its Utility Enterprise ("Aurora") regarding financial support for the joint monitoring program and other NPDES permit activities.

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

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

- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, assigning and transferring to the City and County of Denver, Colorado, a portion of the City of Aurora's 2007 allocation from the State ceiling for Private Activity Bonds to finance residential housing facilities for low- and middle-income persons and families within the City and certain other Cities and Counties in the State of Colorado; authorizing the delegation to the City and County of Denver, Colorado of the authority of the City of Aurora with respect to the issuance of single family home mortgage revenue bonds to finance residential housing facilities for low- and middle-income persons and families within the City and certain other Cities and Counties in the State of Colorado; approving such bonds and the Single Family Mortgage Loan program; and authorizing the execution and delivery of a Delegation and Participation Agreement, an Assignment Agreement, and other documents in connection therewith.

Council Member Markert stated this item is designed to pool financial resources within the metro area, but she wanted staff to assure her that the resolution would make money available for the City of Aurora. Staff stated that those cities involved will have the opportunity to use money from within the pool. Historically, Aurora has received more than they have contributed.

Council Member Sandstrom asked staff if the resolution had any restrictions within the city boundaries beyond just the income limitations of the home buyers. Staff stated the program aligns with HUD eligible census tracts. Sandstrom asked for maps showing the restricted areas in future presentations.

Council Member Beer asked staff if the funds were to be used for new construction or solely mortgage money. Staff stated the money was only to be used for the first time home buyers. Council Member Beer followed with a concern of approving this \$8 million request in fear there would not be funding for Aurora housing projects down the road. Staff stated that there is over \$12 million in allocation, so future projects are expected and planned for accordingly.

Motion by Markert, second by Broom, to approve item 10b.

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

## 11. PUBLIC HEARING WITHOUT RELATED ORDINANCE

- ◆ a. PUBLIC HEARING and consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado approving the refinancing of the Airways Business Center Metropolitan District General Obligation Bonds (limited tax convertible to unlimited tax), Series 2004.

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Scott VanGenderen, Project Manager, gave a brief presentation detailing staff's approval of the resolution and the financial benefit to the citizens of Aurora.

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

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

- ◆ b. PUBLIC HEARING and consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the issuance of General Obligation Refunding Bonds, Series 2007, for Saddle Rock South Metropolitan District Nos. 2-4 and appointing a Board of Directors for Saddle Rock South Metropolitan District No. 2.

Scott VanGenderen, Project Manager, gave a brief presentation detailing staff's approval of the resolution due to significant net profit savings to Aurora tax payers.

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

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

## 12. ORDINANCES FOR INTRODUCTION

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, appropriating sums of money in addition to those appropriated in Ordinance nos. 2005-80, 2006-02, 2006-17, 2006-27, 2006-39, and 2007-04 for the 2006 fiscal year to defray snow removal costs associated with the December 2006 snowstorm.

Council Member Beer asked if there would be a need for another supplemental for the 2007 snow season. Staff stated this funding is needed to bring closure to the 2006 snow season expenditures, but there is certainly a possibility for another supplemental needed for the 2007 season.

Council Member Sandstrom and staff discussed the funds being paid back to the TABOR reserve funds in the amount of roughly \$1.1million. Staff told Council the mandatory 3% reserve requirement is budgeted for 2007. Federal reimbursement and additional projected revenues should ultimately pay off the transfer. If the amount is still short, funding will be used from the general fund operating reserve.

Council Member Beer continued to discuss the different payment structures between a funding transfer versus a funding loan. City Attorney Richardson felt the need to amend and reclassify the transfer as a loan would not be needed.

Council Member Broom stated his comfort with the way it was presented by staff.

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

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

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### 13. PLANNING MATTERS

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION rezoning a parcel of land generally located West of Peoria Street between 11th Avenue and 14th Avenue, City of Aurora, County of Arapahoe, State of Colorado, from R-1 District (Low Density Single Family Residential) to PD (Planned Development) Zone District and amending the Aurora Zoning Map accordingly (Mt. Nebo Redevelopment) 19.2 acres. (Case Number 2006-2002-00)

William Davidson, Planning, explained the commercial and residential development proposal. Six neighborhood meetings were held and many concerns were addressed. Staff ultimately recommends approval of the project.

Harsh Parikh, 1514 Blake Street #202, Denver, CO 80202, 303-825-2595, representing Parikh-Stevens Architects, explained the uniqueness of the project. He stated the general dynamics of the site (located between 11th and 14th facing Peoria) and the goal of the project, which is to essentially take advantage of the Fitzsimmons developments, and create an urban-pedestrian-friendly environment. Using various visuals, Mr. Parikh described the 19 acre "form based zoning" area and basic traffic patterns of the outlying streets. A bulk of the visuals portrayed the main street and design concepts.

Mayor Tauer reminded the developer that tonight's discussion is regarding the general use and design, but any site plan concerns will require another approval and review at a later date.

Council Member Wallace expressed her support, but noted that she will be looking to work with staff, developer, and residents, in order to clear up traffic concerns on Peoria.

Council Member Beer asked the developer if they intended to develop the project themselves or finish the entitlement process and then sell the lots to another developer.

Mike Gerber, 518 17th Street, Denver, CO 80202, 303-892-6600, responded to Council Member Beer's question by stating that they will be developing portions themselves, but will sell off individual portions where the expertise of other developers would benefit the project.

Council Member Pierce asked the developer about the excessively high density estimates within the projected plan compared to residents on the opposite side of Peoria. Mr. Parikh stated that the density number, 50 units per acre, was arrived at with consultation with the City Planning Department. The density allows for smart growth instead of urban sprawl, and creating a work-live atmosphere.

Council Member Broom was concerned with the project's ability to generate outside business interest. Mr. Gerber stated that the project is receiving a fair amount of interest, mainly because it is one of the only vacant parcels within Fitzsimmons proper and the area is very affordable.

Steve Weiler, 1120 Peoria Street, Aurora, CO 80011, 303-882-2459, came before Council speaking in favor of the project, but only if the development can either improve upon the traffic congestion. Mr. Weiler currently lives across street from the projected development site.

Ken Levinson, 16911 Potts Place, Mead, CO 80542, 303-931-4002, spoke to Council as a REMAX Real Estate investor and in favor of the project. He sees the development as advantageous for the adjacent property values. He also gave support for the idea of adding a traffic light in order to better control and slow down traffic on Peoria.

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Ed Anderson, 1186 Peoria Street, Aurora, CO 80011, 303-344-0155, came to speak in favor of an additional traffic light on Peoria, and wanted to be on the record for his feelings of discomfort with the current congestion.

Terry DeLeon, 1142 Peoria Street, Aurora, CO 80011, 303-344-0830, spoke about the traffic access into the proposed development and the current congestion on Peoria preventing residents from backing out of their driveways. She also expressed a concern the development will have on snow plowing. Her opposition of the item was due to a fear that the property values would fall with added traffic and additional water demands.

Cheryl Patton, 1125 Nome Street, Aurora, CO 80010, 303-341-6337, was unaware of the Community Meetings, saying they were not advertised to residents of Nome Street. She is completely opposed to the development project, specifically regarding more apartment houses. She felt the additional apartments would lead to more criminal activity and depress the housing values.

Council Member Wallace was concerned that Ms. Patton was not notified, so she extended her card and stated that future community meetings she would be notified.

City Attorney Richardson and Mayor Tauer reminded Council and residents that tonight's approval does not include the site plan and detailed traffic issues. However, Mr. Gerber stated that the traffic issues brought up by residents will not just be their concerns but also a chief concern for the developers. Mr. Parikh then added that issues regarding crime are also not just a resident concern, because the development is a high quality brand new construction and it is in the best interest of the developer to keep the area clean and safe.

Mr. Parikh acknowledged the traffic issues, but noted that it is an existing problem and that the developer too wishes to correct the congestion.

Council Member Peterson asked the developer if they had their drive ways facing Peoria, and if they don't, then their concerns can't be compared to residents.

Council Member Markert suggested an idea to create a drive way lane in order for residents to safely back out and merge with Peoria traffic. Mr. Parikh responded by once again saying he was interested in resolving the traffic issues. He brought up the proposed solution of an additional traffic light, but ironically, he stated that current state law requires you meant specific warrants.

Motion by Wallace, second by Beer, to introduce item 13a.

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

Voting No: Peterson

Council Member Frazier supported the project and is confident that the developer, staff, and residents can all work together in order to resolve traffic concerns.

Council Member Broom stated that the development will assist in increasing Fitzsimmons employees and aid with the dire need of additional housing in the area, ultimately creating an intelligent work-live environment.

Council Member Beer added his support for the future development of Fitzsimmons in what he labeled a "unique zoning" opportunity.

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Council Member Pierce thanked the neighbors for their voice and gave support for the project.

Council Member Peterson stated she would not support the rezone because of the resident's complaints, and added she would continue to object until their concerns were handled.

Council Member Wallace once again encouraged residents to be active in their neighborhood organization, so all affected residents are notified of community meetings. She then gave out her contact #303-739-7502.

**14. RECONSIDERATIONS AND CALL-UPS**

None.

**15. GENERAL BUSINESS**

None.

**16. REPORTS**

- a. Report by the Mayor
- b. Reports by the Council

Council Member Markert mentioned her ride along with the Aurora Fire Department Station #4. She concluded by reminding residents to check their smoke detector batteries regularly.

Council Member Pierce gave an update regarding former Lowry Air Force Base hanger #2, stating that the Historic Preservation Commission is in line to make a recommendation and then send it off to be discussed by the Community Partnership Committee. In addition, he informed the public of an article in "People Magazine" that spoke on the importance of "Cops Fighting Cancer" and Aurora Officer James Seneca.

Council Member Wallace recommended to residents to visit the Aurora Fox Arts Theater and see the play "Almost Maine."

**17. PUBLIC INVITED TO BE HEARD**

None.

**18. ADJOURNMENT**

Mayor Tauer adjourned the meeting at 9:12 p.m.

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EDWARD J. TAUER, Mayor

ATTEST:

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DEBRA JOHNSON, City Clerk

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