

## MINUTES

### Regular Meeting – Aurora City Council March 5, 2007

#### CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:19 p.m.

#### ROLL CALL

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

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

#### CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

#### 1. RECONVENE REGULAR MEETING OF MARCH 5, 2007 AND CALL TO ORDER

#### 2. ROLL CALL

PRESIDING: Mayor Tauer  
COUNCIL MEMBERS PRESENT: Beer, Broom, Frazier, Hogan, Markert, Peterson, Pierce, Wallace  
COUNCIL MEMBER ABSENT: FitzGerald, Sandstrom  
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 FEBRUARY 26, 2007

Motion by Markert, second by Pierce, to approve the minutes of the meeting of February 26, 2007 as presented.

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

- ◆ *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.*

6. **CEREMONY**

- a. Swearing in of newly appointed Boards and Commission members - Presiding Judge Richard Weinberg:

<u>Name</u>	<u>Board or Commission</u>
Kenneth Preuss	Visitors Promotion Advisory Board
Susan Ryden	Aurora Fox Arts Center Board
David Martin	Citizens' Advisory Committee on Housing & Community Development
Robert Gray	General Employees' Retirement Board
Brian Molitoris	Cultural Affairs Commission

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

- b. Proclamation declaring March as Women's History Month - Mayor Edward J. Tauer

Mayor Tauer invited Janice McDonald, Prairie Middle School; Colorado House Representative Nancy Todd; Colorado Senator Suzanne Williams; and Maria Luisa O'Neill, Victim Advocacy Director, Gateway Battered Women's Shelter to come forward to accept the proclamation. Mayor Tauer read the proclamation declaring March as Women's History Month. Each guest expressed appreciation for the proclamation.

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

Patrick Campbell, 1496 South Kittredge Street, Aurora, CO 80017, 303-755-2047, is a newly retired employee with 27 years in the Aurora Wastewater Division. He stated his concerns of the "Pay for Performance" program with the City, noting it does not work, and was never properly funded. Veteran employees are being penalized, by not receiving well-deserved increases, but across the board increases the same as employees who are not as deserving. Veteran employees are training new employees who are starting at higher salaries, causing a moral problem. Veteran employees are an extremely important asset to the City, and should be rewarded, especially since there is no cost of living increase implemented any longer.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with item 11a deferred to the March 26, 2007 City Council meeting.

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

**General Business**

- a. Consideration to AWARD A SOLE SOURCE CONTRACT to Positron, Montreal, Quebec in the amount of \$99,896.00 to cover the cost of additional computer workstations required for the 911 Main Communications Center at Tallyn's Reach.

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- b. Consideration to AMEND A SINGLE SOURCE CONTRACT with MWH Americas, Inc., Broomfield, Colorado, in an amount not to exceed \$3,300,000.00 for value engineering design support services for the conveyance system pipeline and pump station facilities associated with the Prairie Waters Project.
- c. Consideration to AMEND A SINGLE SOURCE CONTRACT with MWH Americas, Inc., Denver, Colorado in an amount not-to-exceed \$63,500.00 for additional professional services to complete an environmental assessment for a long-term excess capacity storage, exchange, and conveyance contract.
- d. Consideration to APPROVE THE PURCHASE of 23 Shares of the Western Mutual Ditch Company Stock, by the City of Aurora acting by and through its Utility Enterprise.

Motion by Beer, second by Broom, to approve items 9a-d.

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

### **Final Ordinances**

- e. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending sections 146-903 and 146-1002 of the City Code of the City of Aurora, Colorado, related to drive-through facilities in neighborhood activity centers in the E-470 Corridor and Northeast Plains Zone Districts.
- f. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, rezoning a parcel of land generally located 300 feet West of Buckley Road and South of Quincy Avenue from R-A to B-1, and amending the Aurora Zoning Map accordingly (Village Shops at Quincy) 3.27 acres more or less. (Case Number 2006-2007-00)

Motion by Peterson, second by Markert, to approve items 9e, f.

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

### 10. **ORDINANCES FOR INTRODUCTION**

- a. Consideration of an ORDINANCE FOR INTRODUCTION amending subsection 118-31(f) of the City Code of the City of Aurora, Colorado, regarding requirements for Special Improvement District petitions.

Motion by Hogan, second by Wallace, to introduce item 10a.

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

- b. Consideration of an ORDINANCE FOR INTRODUCTION submitting to a vote of the Registered Electors of the City of Aurora, Colorado, at the Regular Municipal Election of November 6, 2007, the question of issuing Special Assessment Bonds for the purpose of building masonry fence improvements.

Council Member Markert asked staff for a brief explanation of this item, which residents will be asked to vote on in November. Nancy Sheffield, Director, Neighborhood Services, stated this item will create a ballot question for the November 2007 election, asking residents to approve an extension for repayment of Special Improvement District fence replacements from 10 to 20 years, reducing the annual cost to property owners.

Motion by Markert, second by Peterson, to introduce item 10b.

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

11. **PLANNING MATTERS**

**STAFF REQUESTS DEFERRAL OF ITEM 11a TO THE MARCH 26, 2007 CITY COUNCIL MEETING.**

- a. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION rezoning a parcel of land generally located South of 18th Place and West of Altura Boulevard, City of Aurora, County of Adams, State of Colorado, from PD to R-1, and amending the Aurora Zoning Map accordingly (Habitat for Humanity at 18th Place) 1.90 acres more or less. (Case Number 2006-2016-00).

Motion by Peterson, second by Wallace, to defer item 11a to the March 26, 2007 City Council meeting.

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

12. **ANNEXATIONS**

- a. Consideration of an ANNEXATION AGREEMENT between the City of Aurora and Cottonwood Creek Investors LLC regarding 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 6th Principal Meridian, County of Arapahoe, State of Colorado, (Cottonwood Creek) 683.5 acres.

Chip King, 730 Monaco Parkway, Denver, CO 80220, 303-333-3834 and James Spehalski, 7887 East Belleview Avenue, #825, Englewood, CO 80111, 303-920-9400, representing the applicant were present to answer any questions.

Motion by Peterson, second by Frazier, to approve item 12a.

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

Voting No: Markert

- b. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, annexing certain lands 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 6th Principal Meridian, County of Arapahoe, State of Colorado, (Cottonwood Creek Investors, LLC) 683.524 acres.

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Council Member Peterson stated she had some confusion regarding an amendment requested by staff when this item came for introduction, so she voted no. She no longer has any concerns, so she will be voting in favor tonight.

Motion by Broom, second by Hogan, to approve item 12b.

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

Voting No: Markert

- c. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, to initially zone of a parcel of land bounded by Monaghan, Jewell, Hayesmound and Yale to Northeast Plains Medium Density Residential, and amending the Aurora Zoning Map accordingly (Cottonwood Creek) 683.52 acres more or less. (Case Number 2006-2011-00)

Council Member Beer noted the applicant has agreed, by way of the Annexation Agreement, to abide by future adjustments to development fees that may arise from the development cost study, and he thanked them for that commitment.

Motion by Hogan, second by Wallace, to approve item 12c.

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

Voting No: Markert

13. **RECONSIDERATIONS AND CALL-UPS**

Motion by Broom, second by Markert, to call up the Southlands Lifestyle Center at Southlands CSP No. 11 (Wine Experience) Variance, Case Number 2004-6074-03 for the March 26, 2007 City Council meeting.

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

14. **GENERAL BUSINESS**

- a. Consideration to reappoint one incumbent member to a six-year term on the Career Service Commission.

Motion by Hogan, second by Broom, to reappoint L. Clifton Sams, Jr. to a six-year term on the Career Service Commission.

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

- b. Consideration to reappoint one incumbent member and one new member to a three-year term on the Visitors Promotion Advisory Board.

Council Member Beer stated he will be voting no on appointments to the Visitors Promotion Advisory Board (VPB), not due to any of the applicants, but because of the lack of follow-through by the board in submitting a work plan.

Council Member Markert noted the VPB will be making a presentation to the Public and Intergovernmental Relations Policy Committee on April 12, 2007. The delay is not intentional, but due to schedule conflicts.

Motion by Pierce, second by Hogan, to reappoint William Walp to a three-year term on the Visitors Promotion Advisory Board.

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

Voting No: Beer, Markert

Motion by Pierce, second by Broom, to appoint Celeste Delahanty to a three-year term on the Visitors Promotion Advisory Board.

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

Voting No: Beer, Markert

c. Consideration to appoint one new member to a three-year term on the Cultural Affairs Commission.

Motion by Beer, second by Peterson, to appoint Jonathan Rogers to a three-year term on the Cultural Affairs Commission.

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

15. **REPORTS**

a. Report by the Mayor

Mayor Tauer reported he read Dr. Seuss' Green Eggs & Ham to third graders at Virginia Court on Friday's Read Across America Day.

b. Reports by the Council

Council Member Peterson wished the Aurora Public schools well in the upcoming CSAP testing, and encouraged the kids to eat well and get plenty of sleep.

Council Member Markert reported she did a ride-along with the Police Department last Friday night along Colfax Avenue and the surrounding neighborhoods, and encouraged others to do the same. She stated our Police officers work very hard on our behalf, and do not always have easy decisions to make. She announced the annual cleanup of the Highline Canal will be Saturday, March 17, 2007, and volunteers are welcome. Specific to Wards IV and V, a Charrette, which is a community planning process, will be held on March 14 and 15 from 6:00 to 8:30 p.m. at the Key Bank at 3000 South Peoria Street. Due to the Nine Mile Light Rail Station, many changes will be happening in the Parker Road and Peoria Street areas, and these meetings will allow all to participate in those discussions.

Council Member Pierce announced the Public Hearing on the 2008 Budget will take place during the March 26, 2007 City Council meeting, and encouraged anyone to address Council with concerns. He noted he participated in the Leaders are Readers program last Friday. In

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celebration of Dr. Sues's 103rd birthday, he read to third graders at Lansing Elementary School, and sixth graders at the Academy at Highpoint.

Council Member Frazier announced he also participated in the Leaders are Readers day, reading to Kindergarten kids wearing 'Cat in the Hat' hats. He reported that March 6, 2007 is the 50th anniversary of Ghana's Independence and will be celebrated by the Rocky Mountain Ghanaian Council at the Radisson Hotel, 3333 Quebec Street, 11:00 a.m. He also reported on March 17, 2007, the Sister Pride - Expanding the Vision - Family & Youth Conference will be held at the Auraria Campus, and anyone needing more information can call him at (303) 373-0788.

Council Member Broom reported that a representative from the Mission Viejo Homeowner's Association (HOA) had expressed concerns at the last meeting of a proposed pawn shop going into their neighborhood. He wanted to let the HOA know that a meeting was held last Thursday to discuss the issue, with a follow-up meeting scheduled for this Thursday. He thanked staff for the research they provided, and hopes all parties can come to a satisfactory resolution.

Council Member Beer reported his Ward III Town Meeting will be held on March 22, 2007 at the Aurora Room. He reported that he also read to first graders at Lansing Elementary School on Read Across America Day, and will read at the Early Childhood Center tomorrow. He also wished the students well in their CSAP testing, and encouraged getting good sleep and eating good breakfasts.

16. **PUBLIC INVITED TO BE HEARD**

None.

17. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:16 p.m.

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EDWARD J. TAUER, Mayor

ATTEST:

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DEBRA JOHNSON, City Clerk